

By: Representatives Powell, Aguirre, Hulum

To: State Affairs

HOUSE BILL NO. 777

1 AN ACT TO AMEND SECTION 67-1-3, MISSISSIPPI CODE OF 1972, TO
 2 RENOUNCE PROHIBITION AS THE POLICY OF THIS STATE IN FAVOR OF THE
 3 LEGAL MANUFACTURE, SALE, DISTRIBUTION AND TRANSPORTATION OF
 4 ALCOHOLIC BEVERAGES, EXCEPT IN COUNTIES THAT VOTE TO INSTITUTE
 5 PROHIBITION AFTER HOLDING AN ELECTION ON THE MATTER; TO AMEND
 6 SECTIONS 67-1-5, 67-1-7, 67-1-9, 67-1-15, 67-1-16, 67-1-17,
 7 67-1-37, 67-1-51, 67-1-57, 67-1-65, 67-1-85, 67-1-91, 67-1-101,
 8 67-3-9, 67-9-1, 27-71-15, 27-71-31 AND 97-31-47, MISSISSIPPI CODE
 9 OF 1972, IN CONFORMITY THERETO; TO AMEND SECTIONS 67-1-11, 67-1-13
 10 AND 67-1-14, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO AND
 11 TO REVISE HOW OFTEN A COUNTY OR MUNICIPALITY MAY HOLD AN ELECTION
 12 ON THE QUESTION OF INSTITUTION PROHIBITION; AND FOR RELATED
 13 PURPOSES.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

15 **SECTION 1.** Section 67-1-3, Mississippi Code of 1972, is
 16 amended as follows:

17 67-1-3. From and after January 1, 2025, the policy of this
 18 state is * * * declared to be a renunciation of prohibition in
 19 favor of the legal manufacture, sale, distribution, and
 20 transportation of alcoholic beverages * * * in this state, except
 21 in such counties that vote to institute prohibition after holding
 22 an election on the matter. The purpose and intent of this article
 23 is to * * * provide the laws under which alcoholic beverages may



24 be legally sold, manufactured and distributed in this state.

25 However, from and after January 1, 2021, prohibition is renounced
26 as to the possession of alcoholic beverages. It shall thereafter
27 be lawful to possess alcoholic beverages throughout the state,
28 unless otherwise prohibited in this article. Nothing herein shall
29 be construed to make lawful the possession of alcoholic beverages
30 with the intent to sell except as authorized under this article.

31 All laws and parts of laws in conflict with this article are
32 repealed only to the extent of such conflict; however, except as
33 is provided in this article, all laws prohibiting the manufacture,
34 sale, and distribution of alcoholic beverages, which are not in
35 conflict with this article shall remain in full force and
36 effect * * * in counties and municipalities wherein * * * a
37 prohibition on manufacture, sale, and distribution of alcoholic
38 beverages * * * shall hereafter be authorized as a result of an
39 election held * * * after January 1, 2025, as * * * provided in
40 this article.

41 **SECTION 2.** Section 67-1-5, Mississippi Code of 1972, is
42 amended as follows:

43 67-1-5. For the purposes of this article and unless
44 otherwise required by the context:

45 (a) "Alcoholic beverage" means any alcoholic liquid,
46 including wines of more than five percent (5%) of alcohol by
47 weight, capable of being consumed as a beverage by a human being,
48 but shall not include light wine, light spirit product and beer,



49 as defined in Section 67-3-3, Mississippi Code of 1972, but shall
50 include native wines and native spirits. The words "alcoholic
51 beverage" shall not include ethyl alcohol manufactured or
52 distilled solely for fuel purposes or beer of an alcoholic content
53 of more than eight percent (8%) by weight if the beer is legally
54 manufactured in this state for sale in another state.

55 (b) "Alcohol" means the product of distillation of any
56 fermented liquid, whatever the origin thereof, and includes
57 synthetic ethyl alcohol, but does not include denatured alcohol or
58 wood alcohol.

59 (c) "Distilled spirits" means any beverage containing
60 more than six percent (6%) of alcohol by weight produced by
61 distillation of fermented grain, starch, molasses or sugar,
62 including dilutions and mixtures of these beverages.

63 (d) "Wine" or "vinous liquor" means any product
64 obtained from the alcoholic fermentation of the juice of sound,
65 ripe grapes, fruits, honey or berries and made in accordance with
66 the revenue laws of the United States.

67 (e) "Person" means and includes any individual,
68 partnership, corporation, association or other legal entity
69 whatsoever.

70 (f) "Manufacturer" means any person engaged in
71 manufacturing, distilling, rectifying, blending or bottling any
72 alcoholic beverage.



73 (g) "Wholesaler" means any person, other than a
74 manufacturer, engaged in distributing or selling any alcoholic
75 beverage at wholesale for delivery within or without this state
76 when such sale is for the purpose of resale by the purchaser.

77 (h) "Retailer" means any person who sells, distributes,
78 or offers for sale or distribution, any alcoholic beverage for use
79 or consumption by the purchaser and not for resale.

80 (i) "State Tax Commission," "commission" or
81 "department" means the Department of Revenue of the State of
82 Mississippi, which shall create a division in its organization to
83 be known as the Alcoholic Beverage Control Division. Any
84 reference to the commission or the department hereafter means the
85 powers and duties of the Department of Revenue with reference to
86 supervision of the Alcoholic Beverage Control Division.

87 (j) "Division" means the Alcoholic Beverage Control
88 Division of the Department of Revenue.

89 (k) "Municipality" means any incorporated city or town
90 of this state.

91 (l) "Hotel" means an establishment within a
92 municipality, or within a qualified resort area approved as such
93 by the department, where, in consideration of payment, food and
94 lodging are habitually furnished to travelers and wherein are
95 located at least twenty (20) adequately furnished and completely
96 separate sleeping rooms with adequate facilities that persons
97 usually apply for and receive as overnight accommodations. Hotels



98 in towns or cities of more than twenty-five thousand (25,000)
99 population are similarly defined except that they must have fifty
100 (50) or more sleeping rooms. Any such establishment described in
101 this paragraph with less than fifty (50) beds shall operate one or
102 more regular dining rooms designed to be constantly frequented by
103 customers each day. When used in this article, the word "hotel"
104 shall also be construed to include any establishment that meets
105 the definition of "bed and breakfast inn" as provided in this
106 section.

107 (m) "Restaurant" means:

108 (i) A place which is regularly and in a bona fide
109 manner used and kept open for the serving of meals to guests for
110 compensation, which has suitable seating facilities for guests,
111 and which has suitable kitchen facilities connected therewith for
112 cooking an assortment of foods and meals commonly ordered at
113 various hours of the day; the service of such food as sandwiches
114 and salads only shall not be deemed in compliance with this
115 requirement. Except as otherwise provided in this paragraph, no
116 place shall qualify as a restaurant under this article unless
117 twenty-five percent (25%) or more of the revenue derived from such
118 place shall be from the preparation, cooking and serving of meals
119 and not from the sale of beverages, or unless the value of food
120 given to and consumed by customers is equal to twenty-five percent
121 (25%) or more of total revenue; or



122 (ii) Any privately owned business located in a
123 building in a historic district where the district is listed in
124 the National Register of Historic Places, where the building has a
125 total occupancy rating of not less than one thousand (1,000) and
126 where the business regularly utilizes ten thousand (10,000) square
127 feet or more in the building for live entertainment, including not
128 only the stage, lobby or area where the audience sits and/or
129 stands, but also any other portion of the building necessary for
130 the operation of the business, including any kitchen area, bar
131 area, storage area and office space, but excluding any area for
132 parking. In addition to the other requirements of this
133 subparagraph, the business must also serve food to guests for
134 compensation within the building and derive the majority of its
135 revenue from event-related fees, including, but not limited to,
136 admission fees or ticket sales to live entertainment in the
137 building, and from the rental of all or part of the facilities of
138 the business in the building to another party for a specific event
139 or function.

140 (n) "Club" means an association or a corporation:

141 (i) Organized or created under the laws of this
142 state for a period of five (5) years prior to July 1, 1966;

143 (ii) Organized not primarily for pecuniary profit
144 but for the promotion of some common object other than the sale or
145 consumption of alcoholic beverages;



146 (iii) Maintained by its members through the
147 payment of annual dues;

148 (iv) Owning, hiring or leasing a building or space
149 in a building of such extent and character as may be suitable and
150 adequate for the reasonable and comfortable use and accommodation
151 of its members and their guests;

152 (v) The affairs and management of which are
153 conducted by a board of directors, board of governors, executive
154 committee, or similar governing body chosen by the members at a
155 regular meeting held at some periodic interval; and

156 (vi) No member, officer, agent or employee of
157 which is paid, or directly or indirectly receives, in the form of
158 a salary or other compensation any profit from the distribution or
159 sale of alcoholic beverages to the club or to members or guests of
160 the club beyond such salary or compensation as may be fixed and
161 voted at a proper meeting by the board of directors or other
162 governing body out of the general revenues of the club.

163 The department may, in its discretion, waive the five-year
164 provision of this paragraph. In order to qualify under this
165 paragraph, a club must file with the department, at the time of
166 its application for a license under this article, two (2) copies
167 of a list of the names and residences of its members and similarly
168 file, within ten (10) days after the election of any additional
169 member, his name and address. Each club applying for a license
170 shall also file with the department at the time of the application



171 a copy of its articles of association, charter of incorporation,
172 bylaws or other instruments governing the business and affairs
173 thereof.

174 (o) "Qualified resort area" means any area or
175 locality * * * in this state commonly known and accepted as a
176 place which regularly and customarily attracts tourists,
177 vacationists and other transients because of its historical,
178 scenic or recreational facilities or attractions, or because of
179 other attributes which regularly and customarily appeal to and
180 attract tourists, vacationists and other transients in substantial
181 numbers; however, no area or locality shall so qualify as a resort
182 area until it has been duly and properly approved as such by the
183 department. The department may not approve an area as a qualified
184 resort area after July 1, 2018, if any portion of such proposed
185 area is located within two (2) miles of a convent or monastery
186 that is located in a county traversed by Interstate 55 and U.S.
187 Highway 98. A convent or monastery may waive such distance
188 restrictions in favor of allowing approval by the department of an
189 area as a qualified resort area. Such waiver shall be in written
190 form from the owner, the governing body, or the appropriate
191 officer of the convent or monastery having the authority to
192 execute such a waiver, and the waiver shall be filed with and
193 verified by the department before becoming effective.

194 (i) The department may approve an area or
195 locality * * * that is in the process of being developed as a



196 qualified resort area if such area or locality, when developed,
197 can reasonably be expected to meet the requisites of the
198 definition of the term "qualified resort area." In such a case,
199 the status of qualified resort area shall not take effect until
200 completion of the development.

201 (ii) The term includes any state park which is
202 declared a resort area by the department; however, such
203 declaration may only be initiated in a written request for resort
204 area status made to the department by the Executive Director of
205 the Department of Wildlife, Fisheries and Parks, and no permit for
206 the sale of any alcoholic beverage, as defined in this article,
207 except an on-premises retailer's permit, shall be issued for a
208 hotel, restaurant or bed and breakfast inn in such park.

209 (iii) The term includes:

210 1. The clubhouses associated with the state
211 park golf courses at the Lefleur's Bluff State Park, the John Kyle
212 State Park, the Percy Quin State Park and the Hugh White State
213 Park;

214 2. The clubhouse and associated golf course,
215 tennis courts and related facilities and swimming pool and related
216 facilities where the golf course, tennis courts and related
217 facilities and swimming pool and related facilities are adjacent
218 to one or more planned residential developments and the golf
219 course and all such developments collectively include at least



220 seven hundred fifty (750) acres and at least four hundred (400)
221 residential units;

222 3. Any facility located on property that is a
223 game reserve with restricted access that consists of at least
224 three thousand (3,000) contiguous acres with no public roads and
225 that offers as a service hunts for a fee to overnight guests of
226 the facility;

227 4. Any facility located on federal property
228 surrounding a lake and designated as a recreational area by the
229 United States Army Corps of Engineers that consists of at least
230 one thousand five hundred (1,500) acres;

231 5. Any facility that is located in a
232 municipality that is bordered by the Pearl River, traversed by
233 Mississippi Highway 25, adjacent to the boundaries of the Jackson
234 International Airport and is located in a county which has voted
235 before January 1, 2025, against coming out from under the dry law
236 as such law existed before January 1, 2025; however, any such
237 facility may only be located in areas designated by the governing
238 authorities of such municipality;

239 6. Any municipality with a population in
240 excess of ten thousand (10,000) according to the latest federal
241 decennial census that is located in a county that is bordered by
242 the Pearl River and is not traversed by Interstate Highway 20,
243 with a population in excess of forty-five thousand (45,000)
244 according to the latest federal decennial census;



245 7. The West Pearl Restaurant Tax District as
246 defined in Chapter 912, Local and Private Laws of 2007;

247 8. a. Land that is located in any county in
248 which Mississippi Highway 43 and Mississippi Highway 25 intersect
249 and:

250 A. Owned by the Pearl River Valley
251 Water Supply District, and/or

252 B. Located within the Reservoir
253 Community District, zoned commercial, east of Old Fannin Road,
254 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
255 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
256 Drive and/or Lake Vista Place, and/or

257 C. Located within the Reservoir
258 Community District, zoned commercial, west of Old Fannin Road,
259 south of Spillway Road and extending to the boundary of the
260 corporate limits of the City of Flowood, Mississippi;

261 b. The board of supervisors of such
262 county, with respect to B and C of item 8.a., may by resolution or
263 other order:

264 A. Specify the hours of operation
265 of facilities that offer alcoholic beverages for sale,

266 B. Specify the percentage of
267 revenue that facilities that offer alcoholic beverages for sale
268 must derive from the preparation, cooking and serving of meals and
269 not from the sale of beverages, and



270 C. Designate the areas in which
271 facilities that offer alcoholic beverages for sale may be located;

272 9. Any facility located on property that is a
273 game reserve with restricted access that consists of at least
274 eight hundred (800) contiguous acres with no public roads, that
275 offers as a service hunts for a fee to overnight guests of the
276 facility, and has accommodations for at least fifty (50) overnight
277 guests;

278 10. Any facility that:

279 a. Consists of at least six thousand
280 (6,000) square feet being heated and cooled along with an
281 additional adjacent area that consists of at least two thousand
282 two hundred (2,200) square feet regardless of whether heated and
283 cooled,

284 b. For a fee is used to host events such
285 as weddings, reunions and conventions,

286 c. Provides lodging accommodations
287 regardless of whether part of the facility and/or located adjacent
288 to or in close proximity to the facility, and

289 d. Is located on property that consists
290 of at least thirty (30) contiguous acres;

291 11. Any facility and related property:

292 a. Located on property that consists of
293 at least one hundred twenty-five (125) contiguous acres and
294 consisting of an eighteen-hole golf course, and/or located in a



295 facility that consists of at least eight thousand (8,000) square
296 feet being heated and cooled,

297 b. Used for the purpose of providing
298 meals and hosting events, and

299 c. Used for the purpose of teaching
300 culinary arts courses and/or turf management and grounds keeping
301 courses, and/or outdoor recreation and leadership courses;

302 12. Any facility and related property that:

303 a. Consist of at least eight thousand
304 (8,000) square feet being heated and cooled,

305 b. For a fee is used to host events,

306 c. Is used for the purpose of culinary
307 arts courses, and/or live entertainment courses and art
308 performances, and/or outdoor recreation and leadership courses;

309 13. The clubhouse and associated golf course

310 where the golf course is adjacent to one or more residential

311 developments and the golf course and all such developments

312 collectively include at least two hundred (200) acres and at least

313 one hundred fifty (150) residential units and are located a. in a

314 county that has voted before January 1, 2025, against coming out

315 from under the dry law as such law existed before January 1, 2025;

316 and b. outside of but in close proximity to a municipality in such

317 county which has voted under Section 67-1-14, after January 1,

318 2013, to come out from under the dry law as such law existed

319 before January 1, 2025;



320 14. The clubhouse and associated
321 eighteen-hole golf course located in a municipality traversed by
322 Interstate Highway 55 and U.S. Highway 51 that has voted before
323 January 1, 2025, to come out from under the dry law as such law
324 existed before January 1, 2025;

325 15. a. Land that is planned for mixed-use
326 development and consists of at least two hundred (200) contiguous
327 acres with one or more planned residential developments
328 collectively planned to include at least two hundred (200)
329 residential units when completed, and also including a facility
330 that consists of at least four thousand (4,000) square feet that
331 is not part of such land but is located adjacent to or in close
332 proximity thereto, and which land is located:

333 A. In a county that has voted
334 before January 1, 2025, to come out from under the dry law as such
335 law existed before January 1, 2025,

336 B. Outside the corporate limits of
337 any municipality in such county and adjacent to or in close
338 proximity to a golf course located in a municipality in such
339 county, and

340 C. Within one (1) mile of a state
341 institution of higher learning;

342 b. The board of supervisors of such
343 county may by resolution or other order:



344 A. Specify the hours of operation
345 of facilities that offer alcoholic beverages for sale,

346 B. Specify the percentage of
347 revenue that facilities that offer alcoholic beverages for sale
348 must derive from the preparation, cooking and serving of meals and
349 not from the sale of beverages, and

350 C. Designate the areas in which
351 facilities that offer alcoholic beverages for sale may be located;

352 16. Any facility with a capacity of five
353 hundred (500) people or more, to be used as a venue for private
354 events, on a tract of land in the Southwest Quarter of Section 33,
355 Township 2 South, Range 7 East, of a county where U.S. Highway 45
356 and U.S. Highway 72 intersect and that has not voted before
357 January 1, 2025, to come out from under the dry law as such law
358 existed before January 1, 2025;

359 17. One hundred five (105) contiguous acres,
360 more or less, located in Hinds County, Mississippi, and in the
361 City of Jackson, Mississippi, whereon are constructed a variety of
362 buildings, improvements, grounds or objects for the purpose of
363 holding events thereon to promote agricultural and industrial
364 development in Mississippi;

365 18. Land that is owned by a state institution
366 of higher learning, and:

367 a. Located entirely within a county that
368 has elected by majority vote before January 1, 2025, not to permit



369 the transportation, storage, sale, distribution, receipt and/or
370 manufacture of light wine and beer pursuant to Section 67-3-7, and

371 b. Adjacent to but outside the
372 incorporated limits of a municipality that has elected by majority
373 vote before January 1, 2025, to permit the sale, receipt, storage
374 and transportation of light wine and beer pursuant to Section
375 67-3-9.

376 If any portion of the land described in this item 18 has been
377 declared a qualified resort area by the department before July 1,
378 2020, then that qualified resort area shall be incorporated into
379 the qualified resort area created by this item 18;

380 19. Any facility and related property:

381 a. Used as a flea market or similar
382 venue during a weekend (Saturday and Sunday) immediately preceding
383 the first Monday of a month and having an annual average of at
384 least one thousand (1,000) visitors for each such weekend and five
385 hundred (500) vendors for Saturday of each such weekend, and

386 b. Located in a county that has not
387 voted before January 1, 2025, to come out from under the dry law
388 as such law existed before January 1, 2025, and outside of but in
389 close proximity to a municipality located in such county and which
390 municipality has voted before January 1, 2025, to come out from
391 under the dry law as such law existed before January 1, 2025;

392 20. Blocks 1, 2 and 3 of the original town
393 square in any municipality with a population in excess of one



394 thousand five hundred (1,500) according to the latest federal
395 decennial census and which is located in:

396 a. A county traversed by Interstate 55
397 and Interstate 20, and

398 b. A judicial district that has not
399 voted before January 1, 2025, to come out from under the dry law
400 as such law existed before January 1, 2025;

401 21. Any municipality with a population in
402 excess of two thousand (2,000) according to the latest federal
403 decennial census and in which is located a part of White's Creek
404 Lake and in which U.S. Highway 82 intersects with Mississippi
405 Highway 9 and located in a county that is partially bordered on
406 one (1) side by the Big Black River;

407 22. A restaurant located on a two-acre tract
408 adjacent to a five-hundred-fifty-acre lake in the northeast corner
409 of a county traversed by U.S. Interstate 55 and U.S. Highway 84;

410 23. Any tracts of land in Oktibbeha County,
411 situated north of Bailey Howell Drive, Lee Boulevard and Old
412 Mayhew Road, east of George Perry Street and south of Mississippi
413 Highway 182, and not located on the property of a state
414 institution of higher learning; however, the board of supervisors
415 of such county may by resolution or other order:

416 a. Specify the hours of operation of
417 facilities that offer alcoholic beverages for sale;



418 b. Specify the percentage of revenue
419 that facilities that offer alcoholic beverages for sale must
420 derive from the preparation, cooking and serving of meals and not
421 from the sale of beverages; and

422 c. Designate the areas in which
423 facilities that offer alcoholic beverages for sale may be located;

424 24. A municipality in which Mississippi
425 Highway 27 and Mississippi Highway 28 intersect;

426 25. A municipality through which run
427 Mississippi Highway 35 and Interstate 20;

428 26. A municipality in which Mississippi
429 Highway 16 and Mississippi Highway 35 intersect;

430 27. A municipality in which U.S. Highway 82
431 and Old Highway 61 intersect;

432 28. A municipality in which Mississippi
433 Highway 8 meets Mississippi Highway 1;

434 29. A municipality in which U.S. Highway 82
435 and Mississippi Highway 1 intersect;

436 30. A municipality in which Mississippi
437 Highway 50 meets Mississippi Highway 9;

438 31. An area bounded on the north by Pearl
439 Street, on the east by West Street, on the south by Court Street
440 and on the west by Farish Street, within a municipality bordered
441 on the east by the Pearl River and through which run Interstate 20
442 and Interstate 55;



443 32. Any facility and related property that:

444 a. Is contracted for mixed-use
445 development improvements consisting of office and residential
446 space and a restaurant and lounge, partially occupying the
447 renovated space of a four-story commercial building which
448 previously served as a financial institution; and adjacent
449 property to the west consisting of a single-story office building
450 that was originally occupied by the Brotherhood of Carpenters and
451 Joiners of American Local Number 569; and

452 b. Is situated on a tract of land
453 consisting of approximately one and one-tenth (1.10) acres, and
454 the adjacent property to the west consisting of approximately 0.5
455 acres, located in a municipality which is the seat of county
456 government, situated south of Interstate 10, traversed by U.S.
457 Highway 90, partially bordered on one (1) side by the Pascagoula
458 River and having its most southern boundary bordered by the Gulf
459 of Mexico, with a population greater than twenty-two thousand
460 (22,000) according to the 2010 federal decennial census; however,
461 the governing authorities of such a municipality may by ordinance:

462 A. Specify the hours of operation
463 of facilities that offer alcoholic beverages for sale;

464 B. Specify the percentage of
465 revenue that facilities that offer alcoholic beverages for sale
466 must derive from the preparation, cooking and serving of meals and
467 not from the sale of beverages; and



468 C. Designate the areas within the
469 facilities in which alcoholic beverages may be offered for sale;

470 33. Any facility with a maximum capacity of
471 one hundred twenty (120) people that consists of at least three
472 thousand (3,000) square feet being heated and cooled, has a
473 commercial kitchen, has a pavilion that consists of at least nine
474 thousand (9,000) square feet and is located on land more
475 particularly described as follows:

476 All that part of the East Half of the Northwest Quarter of
477 Section 21, Township 7 South, Range 4 East, Union County,
478 Mississippi, that lies South of Mississippi State Highway 348
479 right-of-way and containing 19.48 acres, more or less.

480 ALSO,

481 The Northeast 38 acres of the Southwest Quarter of Section
482 21, Township 7 South, Range 4 East, Union County, Mississippi.

483 ALSO,

484 The South 81 1/2 acres of the Southwest Quarter of Section
485 21, Township 7 South, Range 4 East, Union County, Mississippi;

486 34. A municipality in which U.S. Highway 51
487 and Mississippi Highway 16 intersect;

488 35. A municipality in which Interstate 20
489 passes over Mississippi Highway 15;

490 36. Any municipality that is bordered in its
491 northwestern boundary by the Pearl River, traversed by U.S.
492 Highway 49 and Interstate 20, and is located in a county which has



493 voted before January 1, 2025, against coming out from under the
494 dry law as such law existed before January 1, 2025;

495 37. A municipality in which Mississippi
496 Highway 28 and Mississippi Highway 29 North intersect;

497 38. An area bounded as follows within a
498 municipality through which run Interstate 22 and Mississippi
499 Highway 15: Beginning at a point at the intersection of Bankhead
500 Street and Tallahatchie Trails; then running to a point at the
501 intersection of Tallahatchie Trails and Interstate 22; then
502 running to a point at the intersection of Interstate 22 and Carter
503 Avenue; then running to a point at the intersection of Carter
504 Avenue and Camp Avenue; then running to a point at the
505 intersection of Camp Avenue and King Street; then running to a
506 point at the intersection of King Street and E. Main Street; then
507 running to a point at the intersection of E. Main Street and Camp
508 Avenue; then running to a point at the intersection of Camp Avenue
509 and Highland Street; then running to a point at the intersection
510 of Highland Street and Adams Street; then running to a point at
511 the intersection of Adams Street and Cleveland Street; then
512 running to a point at the intersection of Cleveland Street and N.
513 Railroad Avenue; then running to a point at the intersection of N.
514 Railroad Avenue and McGill Street; then running to a point at the
515 intersection of McGill Street and Snyder Street; then running to a
516 point at the intersection of Snyder Street and Bankhead Street;



517 then running to a point at the intersection of Bankhead Street and
518 Tallahatchie Trails and the point of the beginning;

519 39. A municipality through which run
520 Mississippi Highway 43 and U.S. Highway 80;

521 40. The coliseum in a municipality in which
522 U.S. Highway 72 passes over U.S. Highway 45;

523 41. A piece of property on the northeast
524 corner of the T-intersection where Builders Square Drive meets
525 Mississippi Highway 471;

526 42. The clubhouse and associated golf course,
527 tennis courts and related facilities and swimming pool and related
528 facilities located on Oaks Country Club Road less than one-half
529 (1/2) mile to the east of Mississippi Highway 15;

530 43. Any facility located on land more
531 particularly described as follows:

532 The East Half (E 1/2) of the Southwest Quarter (SW 1/4) of
533 Section 15, Township 3 North, Range 2 East; a 4 acre parcel in the
534 Southwest Corner of the Southwest Quarter (SW 1/4) of the
535 Southeast Quarter (SE 1/4), Section 15, Township 3 North, Range 2
536 East, running 210 feet east and west and 840 feet running north
537 and south; the Northeast Quarter (NE 1/4) of the Northwest Quarter
538 (NW 1/4) of Section 22, Township 3 North, Range 2 East, all in
539 Rankin County, Mississippi;

540 44. Any facility located on land more
541 particularly described as follows:



542 Beginning at a point 1915 feet west and 2171 feet north of
543 southeast corner, Section 11, Township 24 North, Range 2 West,
544 Second Judicial District, Tallahatchie County, Mississippi, which
545 point is the southwest corner of J.C. Section Lot mentioned in
546 deed recorded in Book 50, page 34, in the records of the Chancery
547 Clerk's Office at Sumner, in said District of said County; thence
548 South 80° West, 19 feet to the east boundary of United States
549 Highway 49-E, thence East along the east boundary of said Highway
550 270 feet to point of beginning of Lot to be conveyed; thence
551 southeast along the east boundary of said Highway 204 feet to a
552 concrete post at the intersection of the east boundary of said
553 Highway with the west boundary of gravel road from Sumner to Webb,
554 known as Oil Mill Road, thence Northwest along west boundary of
555 said Oil Mill Road 194 feet to center of driveway running
556 southwest from said Oil Mill Road to U.S. Highway 49-E; thence
557 South 66° West along center of said driveway 128 feet to point of
558 beginning, being situated in Northwest Quarter of Southeast
559 Quarter of Section 11, together with all improvements situated
560 thereon;

561 45. Any facility that:

562 a. Consists of at least five thousand
563 six hundred (5,600) square feet being heated and cooled along with
564 a lakeside patio that consists of at least two thousand two
565 hundred (2,200) square feet, regardless of whether such patio is



566 part of the facility and/or located adjacent to or in close
567 proximity to the facility;

568 b. Includes a caterer's kitchen and
569 green room for entertainment preparation;

570 c. For a fee is used to host events; and

571 d. Is located adjacent to or in close
572 proximity to an approximately nine (9) acre lake on property that
573 consists of at least one hundred twenty (120) acres in a county
574 traversed by Mississippi Highway 15 and U.S. Highway 278;

575 46. Any municipality with a population in
576 excess of one thousand (1,000) according to the 2010 federal
577 decennial census and which is located in a county that is
578 traversed by U.S. Highways 84 and 98 and has not voted before
579 January 1, 2025, to come out from under the dry law as such law
580 existed before January 1, 2025;

581 47. The clubhouse and associated nine-hole
582 golf course, tennis courts and related facilities and swimming
583 pool and related facilities located on or near U.S. Highway 82
584 between Mississippi Highway 15 and Mississippi Highway 9;

585 48. The downtown square area bound by East
586 Service Drive, Commerce Street, Second Street and Court Street and
587 adjacent properties in a municipality through which run Interstate
588 55, U.S. Highway 51 and Mississippi Highway 306;

589 49. All parcels zoned for mixed-use
590 development located west of Mississippi Highway 589, more than



591 four hundred (400) feet north of Old Highway 24, east of
592 Parkers Creek and Black Creek, and south of J M Burge Road;

593 50. Any facility used by a soccer club and
594 located on Old Highway 11 between one-tenth (0.1) and two-tenths
595 (0.2) of a mile from its intersection with Oak Grove Road, in a
596 county in which U.S. Highway 98 and Mississippi Highway 589
597 intersect;

598 51. Any municipality in which U.S. Highway 49
599 and Mississippi Highway 469 intersect;

600 52. Any facility that is:

601 a. Owned by a Veterans of Foreign Wars
602 (VFW) organization that is a nonprofit corporation and registered
603 with the Mississippi Secretary of State;

604 b. Used by such organization for its
605 headquarters and other organization related purposes; and

606 c. Located outside of a municipality in
607 a county that has not voted before January 1, 2025, to come out
608 from under the dry law as such law existed before January 1, 2025;

609 53. The following within a municipality in
610 which U.S. Highway 49 and U.S. 61 Highway intersect and through
611 which flows the Sunflower River:

612 a. An area bounded as follows: Starting
613 at the southern point of the intersection of Sunflower Avenue and
614 1st Street and going south along said avenue on its eastern side
615 to 8th Street, then going east along said street on its northern



616 side to West Tallahatchie Street, then going north along said
617 street on its western side to 4th Street/Martin Luther King
618 Boulevard, then going east along said street/boulevard on its
619 northern side to Desoto Avenue, then going north along said avenue
620 on its western side to 1st Street, then going west along said
621 street on its southern side to the point of beginning along the
622 southern side of Court Street;

623 b. Lots located at or near the
624 intersection of Madison Avenue, Walnut Street, and Riverside
625 Avenue that are in a commercial zone; and

626 c. Any facility located on the west side
627 of Sunflower Avenue to the Sunflower River between the southern
628 side of 6th Street and the northern side of 8th Street and which
629 is operated as and/or was operated as a hotel or lodging facility,
630 in consideration of payment, regardless of whether the facility
631 meets the criteria for the definition of the term "hotel" in
632 paragraph (1) of this section; and

633 d. Any facility located on the west side
634 of Sunflower Avenue to the Sunflower River between the southern
635 side of 3rd Street and the northern side of 4th Street/Martin
636 Luther King Boulevard and which is operated as and/or was operated
637 as a musical venue, in consideration of payment;

638 54. Any municipality in which Mississippi
639 Highway 340 meets Mississippi Highway 15;



640 55. Any municipality in which Mississippi
641 Highway 540 and Mississippi Highway 149 intersect;

642 56. Any municipality in which Mississippi
643 Highway 15 and Mississippi Highway 345/Main Street intersect;

644 57. The property and structures thereon at
645 the following locations within a municipality through which run
646 U.S. Highway 45 and Mississippi Highway 145 and in which
647 Mississippi Highway 370 and Mississippi Highway 145 intersect:
648 104 West Main Street, 106 West Main Street, 108 West Main Street,
649 110 West Main Street and 112 West Main Street;

650 58. Any municipality in which U.S. Highway 11
651 and Main Street intersect and which is located in a county having
652 two (2) judicial districts;

653 59. Any municipality in which Interstate 22
654 passes over Mississippi Highway 9;

655 60. Any facility located on land more
656 particularly described as follows:

657 A certain parcel of land being situated in the
658 Southeast 1/4 of the Northeast 1/4 of Section 9,
659 T3N-R3E, Rankin County, Mississippi, and being more
660 particularly described as follows:

661 Commence at an existing 1/2" iron pin marking the
662 Southwest corner of the aforesaid Southeast 1/4 of the
663 Northeast 1/4 of Section 9, T3N-R3E and run thence North
664 00 degrees 06 minutes 13 seconds East along the East



665 line of the Southeast 1/4 of the Northeast 1/4 for a
666 distance of 33.18 feet to an existing 1/2" iron pin;
667 leaving said East line of the Southeast 1/4 of the
668 Northeast 1/4, run thence South 89 degrees 53 minutes 47
669 seconds East for a distance of 2.08 feet to an existing
670 1/2" iron pin; run thence North 00 degrees 22 minutes 19
671 seconds East for a distance of 561.90 feet to an
672 existing 1/2" iron pin; run thence North 00 degrees 16
673 minutes 18 seconds East for a distance of 76.42 feet to
674 a set 1/2" iron pin marking the POINT OF BEGINNING of
675 the parcel of land herein described; from said POINT OF
676 BEGINNING, continue thence North 00 degrees 16 minutes
677 18 seconds East along an existing fence for a distance
678 of 493.27 feet to an existing 1/2" iron pin; run thence
679 North 03 degrees 08 minutes 15 seconds East for a
680 distance of 170.22 feet to an existing 1/2" iron pin on
681 the North line of the aforesaid Southeast 1/4 of the
682 Northeast 1/4 of Section 9; run thence North 89 degrees
683 46 minutes 45 seconds East along said North line of the
684 Southeast 1/4 of the Northeast 1/4 of Section 9 for a
685 distance of 1,305.51 feet to an existing 1/2" iron pin
686 marking Northeast corner thereof; leaving said North
687 line of the Southeast 1/4 of the Northeast 1/4 of
688 Section 9, run thence South 00 degrees 08 minutes 35
689 seconds West along the East line of said Southeast 1/4



690 of the Northeast 1/4 of Section 9 for a distance of
691 663.19 feet to a set 1/2" iron pin; leaving said East
692 line of the Southeast 1/4 of the Northeast 1/4 of
693 Section 9, run thence South 89 degrees 46 minutes 45
694 seconds West for a distance of 1,315.51 feet to the
695 POINT OF BEGINNING, containing 20.00 acres, more or
696 less.

697 And Also: An easement for the purpose of ingress
698 and egress being situated in the Southeast 1/4 of the
699 Northeast 1/4 and in the Northeast 1/4 of the Southeast
700 1/4 of Section 9, T3N-R3E, Rankin County, Mississippi,
701 and being more particularly described as follows:
702 Begin at an existing 1/2" iron pin marking the Southwest
703 corner of the aforesaid Southeast 1/4 of the Northeast
704 1/4 of Section 9, T3N-R3E and run thence North 00
705 degrees 06 minutes 13 seconds East along the East line
706 of the Southeast 1/4 of the Northeast 1/4 for a distance
707 of 33.18 feet to an existing 1/2" iron pin; leaving said
708 East line of the Southeast 1/4 of the Northeast 1/4, run
709 thence South 89 degrees 53 minutes 47 seconds East for a
710 distance of 2.08 feet to an existing 1/2" iron pin; run
711 thence North 00 degrees 22 minutes 19 seconds East for a
712 distance of 561.90 feet to an existing 1/2" iron pin;
713 run thence North 00 degrees 16 minutes 18 seconds East
714 for a distance of 76.42 feet to a set 1/2" iron pin; run



715 thence North 89 degrees 46 minutes 45 seconds East for a
716 distance of 25.00 feet to a set 1/2" iron pin; run
717 thence South 00 degrees 16 minutes 18 seconds West for a
718 distance of 76.66 feet to a set 1/2" iron pin; run
719 thence South 00 degrees 22 minutes 19 seconds West for a
720 distance of 619.81 feet to a set 1/2" iron pin; run
721 thence South 89 degrees 43 minutes 01 seconds West for a
722 distance of 26.81 feet to a set 1/2" iron pin; run
723 thence North 00 degrees 06 minutes 13 seconds East along
724 the West line of the aforesaid Northeast 1/4 of the
725 Southeast 1/4 of Section 9 for a distance of 25.00 feet
726 to the POINT OF BEGINNING, containing 17,525.4 square
727 feet, more or less.

728 61. Any municipality bordered on the east by
729 the Pascagoula River and on the south by the Mississippi Sound;

730 62. The property and structures thereon
731 located at parcel numbers 4969 198 000; 4969 200 000; 4969 201
732 000; 4969 206 000; 4969 207 000; 4969 208 000; 4969 218 000; 4969
733 199; 4969 204 000 and 4969 204 001, all in Block 4 of the original
734 town square in any municipality with a population in excess of one
735 thousand five hundred (1,500) according to the latest federal
736 decennial census and which is located in:

737 a. A county traversed by Interstate 55
738 and Interstate 20, and



739 b. A judicial district that has not
740 voted before January 1, 2025, to come out from under the dry law
741 as such law existed before January 1, 2025;

742 63. Any municipality in which Mississippi
743 Highway 12 meets Mississippi Highway 17;

744 64. Any municipality in which U.S. Highway 49
745 and Mississippi Highway 469 intersect;

746 65. The clubhouse and associated nine-hole
747 golf course and related facilities located on or near the eastern
748 corner of the point at which Golf Course Road meets Athens Road,
749 in a county in which Mississippi Highway 13 and Mississippi
750 Highway 28 intersect, with GPS coordinates of approximately
751 31.900370078041004, -89.7928067652611;

752 66. Any facility located at the
753 south-to-southwest corner of the intersection of Madison Street
754 and Bolton Brownsville Road, in a municipality in which Bolton
755 Brownsville Road passes over Interstate 20, with GPS coordinates
756 of approximately 32.349067271758955, -90.4596221146197;

757 67. Any facility located at the northwest
758 corner of the intersection of Depot Street and Madison Street, in
759 a municipality in which Bolton Brownsville Road passes over
760 Interstate 20, with GPS coordinates of approximately
761 32.34903152971068, -90.46047660172901;

762 68. Any facility located on Hinds Boulevard
763 approximately three-tenths (0.3) of a mile south of the point at



764 which Hinds Boulevard diverges from Clinton Road, in a
765 municipality whose northern boundary partially consists of Snake
766 Creek Road, and whose southern boundary partially consists of
767 Mississippi Highway 18, with GPS coordinates of approximately
768 32.26384517526713, -90.41586570183475;

769 69. Any facility located on Pleasant Grove
770 Drive approximately one and three-tenths (1.3) miles southeast of
771 its intersection with Harmony Drive, in a county through which run
772 Interstate 55 and U.S. Highway 84, with GPS coordinates of
773 approximately 31.512043770371907, -90.2506094382595;

774 70. Any facility located immediately north of
775 the intersection of two roads, both named Mason Clark Drive,
776 located between two-tenths (0.2) and three-tenths (0.3) of a mile
777 southwest of Mississippi Highway 57/63, with GPS coordinates of
778 approximately 31.135950529733048, -88.53068674585575;

779 71. Any facility located on Raj Road
780 approximately three-tenths (0.3) of a mile south of Mississippi
781 Highway 57/63, with GPS coordinates of approximately
782 31.139553708288418, -88.53411203512971; and

783 72. Any facility located on Raj Road
784 approximately one-tenth (0.1) of a mile south of Mississippi
785 Highway 57/63, with GPS coordinates of approximately
786 31.14184097577295, -88.53287700849411;

787 The status of these municipalities, districts, clubhouses,
788 facilities, golf courses and areas described in this paragraph



789 (o) (iii) as qualified resort areas does not require any
790 declaration of same by the department. In addition, the status of
791 these municipalities, districts, clubhouses, facilities, golf
792 courses, restaurants and areas described in this paragraph
793 (o) (iii) as qualified resort areas shall not be affected by the
794 institution of prohibition by a county or municipality.

795 The governing authorities of a municipality described, in
796 whole or in part, in item 6, 21, 24, 25, 26, 27, 28, 29, 30, 31,
797 34, 35, 36, 37, 38, 39, 46, 48, 51, 53, 54, 55, 58, 59, 61, 63,
798 64, 66, 67 or 68 of this paragraph (o) (iii) may by ordinance, with
799 respect to the qualified resort area described in the same item:
800 specify the hours of operation of facilities offering alcoholic
801 beverages for sale; specify the percentage of revenue that
802 facilities offering alcoholic beverages for sale must derive from
803 the preparation, cooking and serving of meals and not from the
804 sale of beverages; and designate the areas in which facilities
805 offering alcoholic beverages for sale may be located.

806 (p) "Native wine" means any product, produced in
807 Mississippi for sale, having an alcohol content not to exceed
808 twenty-one percent (21%) by weight and made in accordance with
809 revenue laws of the United States, which shall be obtained
810 primarily from the alcoholic fermentation of the juice of ripe
811 grapes, fruits, berries, honey or vegetables grown and produced in
812 Mississippi; provided that bulk, concentrated or fortified wines
813 used for blending may be produced without this state and used in



814 producing native wines. The department shall adopt and promulgate
815 rules and regulations to permit a producer to import such bulk
816 and/or fortified wines into this state for use in blending with
817 native wines without payment of any excise tax that would
818 otherwise accrue thereon.

819 (q) "Native winery" means any place or establishment
820 within the State of Mississippi where native wine is produced, in
821 whole or in part, for sale.

822 (r) "Bed and breakfast inn" means an establishment
823 within a municipality where in consideration of payment, breakfast
824 and lodging are habitually furnished to travelers and wherein are
825 located not less than eight (8) and not more than nineteen (19)
826 adequately furnished and completely separate sleeping rooms with
827 adequate facilities, that persons usually apply for and receive as
828 overnight accommodations; however, such restriction on the minimum
829 number of sleeping rooms shall not apply to establishments on the
830 National Register of Historic Places. No place shall qualify as a
831 bed and breakfast inn under this article unless on the date of the
832 initial application for a license under this article more than
833 fifty percent (50%) of the sleeping rooms are located in a
834 structure formerly used as a residence.

835 (s) "Board" shall refer to the Board of Tax Appeals of
836 the State of Mississippi.

837 (t) "Spa facility" means an establishment within a
838 municipality or qualified resort area and owned by a hotel where,



839 in consideration of payment, patrons receive from licensed
840 professionals a variety of private personal care treatments such
841 as massages, facials, waxes, exfoliation and hairstyling.

842 (u) "Art studio or gallery" means an establishment
843 within a municipality or qualified resort area that is in the sole
844 business of allowing patrons to view and/or purchase paintings and
845 other creative artwork.

846 (v) "Cooking school" means an establishment within a
847 municipality or qualified resort area and owned by a nationally
848 recognized company that offers an established culinary education
849 curriculum and program where, in consideration of payment, patrons
850 are given scheduled professional group instruction on culinary
851 techniques. For purposes of this paragraph, the definition of
852 cooking school shall not include schools or classes offered by
853 grocery stores, convenience stores or drugstores.

854 (w) "Campus" means property owned by a public school
855 district, community or junior college, college or university in
856 this state where educational courses are taught, school functions
857 are held, tests and examinations are administered or academic
858 course credits are awarded; however, the term shall not include
859 any "restaurant" or "hotel" that is located on property owned by a
860 community or junior college, college or university in this state,
861 and is operated by a third party who receives all revenue
862 generated from food and alcoholic beverage sales.



863 (x) "Native spirit" shall mean any beverage, produced
864 in Mississippi for sale, manufactured primarily by the
865 distillation of fermented grain, starch, molasses or sugar
866 produced in Mississippi, including dilutions and mixtures of these
867 beverages. In order to be classified as "native spirit" under the
868 provisions of this article, at least fifty-one percent (51%) of
869 the finished product by volume shall have been obtained from
870 distillation of fermented grain, starch, molasses or sugar grown
871 and produced in Mississippi.

872 (y) "Native distillery" shall mean any place or
873 establishment within this state where native spirit is produced in
874 whole or in part for sale.

875 (z) "Warehouse operator" shall have the meaning
876 ascribed in Section 67-1-201.

877 **SECTION 3.** Section 67-1-7, Mississippi Code of 1972, is
878 amended as follows:

879 67-1-7. (1) Except * * * in those counties that hold an
880 election pursuant to this article and vote to institute
881 prohibition, and subject to all of the provisions and restrictions
882 contained in this article, the manufacture, sale, distribution,
883 and transportation of alcoholic beverages shall be lawful * * *.

884 Beginning on April 16, 2021, except as otherwise provided in
885 Section 67-1-51 for holders of a caterer's permit, the
886 manufacture, sale and distribution of alcoholic beverages shall
887 not be permissible or lawful in counties except in (a)



888 incorporated municipalities located within such counties, (b)
889 qualified resort areas within such counties approved as such by
890 the department, or (c) clubs within such counties, whether within
891 a municipality or not. However, any permits issued by the
892 department between July 1, 2020, and April 15, 2021, for the
893 manufacture, sale and distribution of alcoholic beverages, whether
894 or not issued to permittees in such municipalities, qualified
895 resort areas or clubs, shall be eligible for renewal on or after
896 April 16, 2021.

897 The manufacture, sale, distribution and possession of native
898 wines or native spirits shall be lawful in any location within any
899 such county except those locations where the manufacture, sale or
900 distribution is prohibited by law other than this section or by
901 regulations of the department.

902 (2) Notwithstanding the foregoing, within any state park or
903 any state park facility that has been declared a qualified resort
904 area by the department, and within any qualified resort area as
905 defined under Section 67-1-5(o)(iii), an on-premises retailer's
906 permit may be issued for the qualified resort area, and the
907 permittee may lawfully sell alcoholic beverages for consumption on
908 his licensed premises regardless of whether or not the
909 county * * * in which the qualified resort area is located has
910 voted in favor of * * * instituting prohibition, and it shall be
911 lawful to receive, store, sell, possess and consume alcoholic
912 beverages on the licensed premises, and to sell, distribute and



913 transport alcoholic beverages to the licensed premises. Moreover,
914 the governing authorities of a municipality in which a qualified
915 resort area defined under Section 67-1-5(o)(iii)5, 7, 21 or 46 is
916 located, the Pearl River Valley Water Supply District Board which
917 governs the qualified resort area defined under Section
918 67-1-5(o)(iii)8.a.A, the board of supervisors of the county in
919 which the qualified resort area defined under Section
920 67-1-5(o)(iii)8.a.B and C is located, and the board of supervisors
921 of the county in which the qualified resort area defined under
922 Section 67-1-5(o)(iii)44 is located, may, by ordinance or
923 resolution, provide that package retailer's permits may be issued
924 in the applicable qualified resort area, and that it shall be
925 lawful to receive, store, sell, possess and distribute alcoholic
926 beverages in accordance with such package retailer's permits.

927 **SECTION 4.** Section 67-1-9, Mississippi Code of 1972, is
928 amended as follows:

929 67-1-9. (1) It shall be * * * lawful for any person to
930 manufacture, distill, brew, sell, import into this state, * * *
931 transport, distribute, warehouse, store, solicit, take order for,
932 bottle, rectify, blend, treat, mix or process any alcoholic
933 beverage * * * as authorized in this article. * * * Nothing
934 contained herein shall prevent importers, wineries and distillers
935 of alcoholic beverages from storing such alcoholic beverages in
936 private bonded warehouses located within the State of Mississippi
937 for the ultimate use and benefit of the Department of Revenue as



938 provided in Section 67-1-41. The department is hereby authorized
939 to promulgate rules and regulations for the establishment of such
940 private bonded warehouses and for the control of alcoholic
941 beverages stored in such warehouses. Additionally, nothing herein
942 contained shall prevent any duly licensed practicing physician or
943 dentist from possessing or using alcoholic liquor in the strict
944 practice of his profession, or prevent any hospital or other
945 institution caring for sick and diseased persons, from possessing
946 and using alcoholic liquor for the treatment of bona fide patients
947 of such hospital or other institution. Any drugstore employing a
948 licensed pharmacist may possess and use alcoholic liquors in the
949 combination of prescriptions of duly licensed physicians. The
950 possession and dispensation of wine by an authorized
951 representative of any church for the purpose of conducting any
952 bona fide rite or religious ceremony conducted by such church
953 shall not be prohibited by this article.

954 (2) Any person, upon conviction of any provision of this
955 section, shall be punished as follows:

956 (a) By a fine of not less than One Hundred Dollars
957 (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by
958 imprisonment in the county jail not less than one (1) week nor
959 more than three (3) months, or both, for the first conviction
960 under this section.

961 (b) By a fine of not less than One Hundred Dollars
962 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by



963 imprisonment in the county jail not less than sixty (60) days, nor
964 more than six (6) months, or both fine and imprisonment, for the
965 second conviction for violating this section.

966 (c) By a fine of not less than One Hundred Dollars
967 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by
968 imprisonment in the State Penitentiary not less than one (1) year,
969 nor more than five (5) years, or both fine and imprisonment, for
970 conviction the third time under this section for the violation
971 thereof after having been twice convicted of its violation.

972 (3) Nothing in this section shall make it unlawful to
973 transport bottles or containers of alcoholic beverages that are
974 legally purchased in this state if the bottles or containers are
975 unopened and are being transported on state or federal highway.

976 **SECTION 5.** Section 67-1-11, Mississippi Code of 1972, is
977 amended as follows:

978 67-1-11. (1) From and after January 1, 2025,
979 notwithstanding any provision of this article, * * * a county may
980 hold an election to determine whether to institute prohibition and
981 make the sale, manufacture and distribution of alcoholic beverages
982 illegal.

983 (2) Upon presentation and filing of a proper petition
984 requesting same signed by at least twenty percent (20%) or fifteen
985 hundred (1,500), whichever number is the lesser, of the qualified
986 electors of the county, it shall be the duty of the board of
987 supervisors to call an election at which there shall be submitted



988 to the qualified electors of the county the question of whether or
989 not the sale, * * * distribution and manufacture of alcoholic
990 beverages shall be * * * prohibited in such county as provided in
991 this article. Such election shall be held and conducted by the
992 county election commissioners on a date fixed by the order of the
993 board of supervisors, which date shall not be more than sixty (60)
994 days from the date of the filing of said petition. Notice thereof
995 shall be given by publishing such notice once each week for at
996 least three (3) consecutive weeks in some newspaper published in
997 said county or, if no newspaper be published therein, by such
998 publication in a newspaper in an adjoining county and having a
999 general circulation in the county involved. The election shall be
1000 held not earlier than fifteen (15) days from the first publication
1001 of such notice.

1002 (3) Said election shall be held and conducted as far as may
1003 be possible in the same manner as is provided by law for the
1004 holding of general elections. The ballots used thereat shall
1005 contain a brief statement of the proposition submitted and, on
1006 separate lines, the words "I vote FOR * * * prohibiting alcoholic
1007 beverages and making _____ County a dry county ()" "I vote
1008 AGAINST * * * prohibiting alcoholic beverages and making _____
1009 County a dry county ()" with appropriate boxes in which the
1010 voters may express their choice. All qualified electors may vote
1011 by marking the ballot with a cross (x) or check (√) mark opposite
1012 the words of their choice.



1013 (4) The election commissioners shall canvass and determine
1014 the results of said election, and shall certify same to the board
1015 of supervisors which shall adopt and spread upon its minutes an
1016 order declaring such results. If, in such election, a majority of
1017 the qualified electors participating therein shall vote in favor
1018 of the proposition, * * * the manufacture, sale and distribution
1019 of alcoholic beverages * * * in such county shall be * * *
1020 unlawful to the extent and in the manner * * * prohibited hereby.
1021 If, on the other hand, a majority of the qualified electors
1022 participating in the election shall vote against the
1023 proposition, * * * the manufacture, sale and distribution of
1024 alcoholic beverages shall remain lawful to the extent and in the
1025 manner permitted hereby. In either case, no further election
1026 shall be held in said county under the provisions of this article
1027 for a period of * * * four (4) years from the date of the prior
1028 election and then only upon the filing of a petition requesting
1029 same signed by at least twenty percent (20%) or fifteen hundred
1030 (1,500), whichever number is the lesser, of the qualified electors
1031 of the county as is otherwise provided herein.

1032 (5) If a majority of the qualified electors participating in
1033 the election vote for the proposition, all alcohol permits issued
1034 to locations within the county shall expire thirty (30) days from
1035 the date the official recapitulation on the election is executed
1036 by the county. However, notwithstanding an election instituting
1037 the prohibition laws in a county, the holder of a native wine



1038 producer's permit or a native wine retailer's permit is allowed to
1039 continue to operate under such permits and to renew such permits.
1040 Possession of native wines and personal property related to the
1041 activities of the native wine permit holder which would otherwise
1042 be unlawful under prohibition shall be allowed subject to
1043 regulations of the Alcoholic Beverage Control Division.

1044 **SECTION 6.** Section 67-1-13, Mississippi Code of 1972, is
1045 amended as follows:

1046 67-1-13. (1) When * * * a county has voted to institute
1047 prohibition as a result of an election called and held as provided
1048 in Section 67-1-11, the same may be made ineffective and
1049 inapplicable therein by an election called and held upon a
1050 petition filed with the board of supervisors requesting same
1051 signed by at least twenty percent (20%) or fifteen hundred (1500),
1052 whichever number is the lesser, of the qualified electors of the
1053 county as is otherwise provided in Section 67-1-11, all of the
1054 provisions of which shall be fully applicable thereto. However,
1055 nothing herein shall authorize or permit the calling and holding
1056 of any election under this chapter in any county more often than
1057 once every * * * four (4) years. If in such election, a majority
1058 of the qualified electors participating therein shall vote * * *
1059 for legalizing the sale, distribution and manufacturing of
1060 alcoholic beverages, then the prohibition laws of the State of
1061 Mississippi * * * shall become * * * inapplicable in said county.



1062 (2) Notwithstanding an election reinstating the prohibition
1063 laws in a political subdivision, the holder of a native wine or
1064 native spirit producer's permit or a native wine or native spirit
1065 retailer's permit is allowed to continue to operate under such
1066 permits and to renew such permits. Possession of native wines or
1067 native spirits and personal property related to the activities of
1068 the native wine permit or native spirit permit holder which would
1069 otherwise be unlawful under prohibition shall be allowed subject
1070 to regulations of the Alcoholic Beverage Control Division.

1071 **SECTION 7.** Section 67-1-14, Mississippi Code of 1972, is
1072 amended as follows:

1073 67-1-14. (1) The legalizing provisions of this article may
1074 be effective, applicable and operative in any municipality located
1075 in a county which has voted * * * for instituting prohibition if a
1076 local option election shall be called and held in such
1077 municipality in the manner and with the results hereinafter
1078 provided.

1079 (2) (a) Any municipality in this state having a population
1080 of not less than five thousand (5,000) according to the latest
1081 federal census and which is located in a county which has
1082 voted * * * for instituting prohibition, or any municipality that
1083 is a county seat and which is located in a county which has
1084 voted * * * for instituting prohibition, may, at an election held
1085 for the purpose under the election laws applicable to such
1086 municipality, either prohibit or permit, except as otherwise



1087 provided under Section 67-9-1, the sale of alcoholic beverages.
1088 An election to determine whether such sale shall be permitted in
1089 municipalities wherein its sale is prohibited by law shall be
1090 ordered by the municipal governing authorities upon the
1091 presentation of a petition to such governing authorities
1092 containing the names of at least twenty percent (20%) of the duly
1093 qualified voters of such municipality asking for such election.
1094 In like manner, an election to determine whether such sale shall
1095 be prohibited in municipalities wherein its sale is permitted by
1096 law shall be ordered by the municipal governing authorities upon
1097 the presentation of a petition to such governing authorities
1098 containing the names of at least twenty percent (20%) of the duly
1099 qualified voters of such municipality asking for such election.
1100 No election on either question shall be held by any one (1)
1101 municipality more often than once in * * * four (4) years.

1102 Thirty (30) days' notice shall be given to the qualified
1103 electors of such municipality, in the manner prescribed by law,
1104 upon the question of either permitting or prohibiting such sale,
1105 such notice to contain a statement of the question to be voted on
1106 at the election. The ballots to be used in the election shall
1107 have the following words printed thereon: "For the legal sale of
1108 alcoholic beverages" and the words "Against the legal sale of
1109 alcoholic beverages" next below. In marking his ballot the voter
1110 shall make a cross (X) opposite the words of his choice.



1111 If in the election a majority of the qualified electors
1112 voting in the election shall vote "for the legal sale of alcoholic
1113 beverages," then the municipal governing authorities shall pass
1114 the necessary order permitting the legal sale of such alcoholic
1115 beverages in such municipality. If in the election a majority of
1116 the qualified electors voting in the election shall vote "against
1117 the legal sale of alcoholic beverages," then the municipal
1118 governing authorities shall pass the necessary order prohibiting
1119 the sale of alcoholic beverages in such municipality.

1120 (b) The provisions of this subsection shall also apply
1121 to any municipality having a population of not less than six
1122 thousand (6,000) according to the latest federal census, a portion
1123 of which is located in a county which has voted before January 1,
1124 2025, against coming out from under the dry law as such law
1125 existed before January 1, 2025, and a portion of which is located
1126 in a county which has voted before January 1, 2025, in favor of
1127 coming out from under the dry law as such law existed before
1128 January 1, 2025. For the purpose of determining whether or not
1129 such a municipality meets the threshold population of six thousand
1130 (6,000) which will qualify the municipality to hold an election
1131 under this subsection, the entire population of the municipality
1132 shall be considered; however, the petition to hold the election
1133 authorized in this subsection shall be ordered by the municipal
1134 governing authorities upon the presentation of a petition to such
1135 governing authorities containing the names of at least twenty



1136 percent (20%) of the duly qualified voters of such municipality
1137 who reside in that portion of the municipality located in a county
1138 which has voted before January 1, 2025, against coming out from
1139 under the dry law as such law existed before January 1, 2025, and
1140 the election shall be held only in that portion of the
1141 municipality. In all other respects, the authority for the holding
1142 of elections and the manner in which such elections shall be
1143 conducted shall be as prescribed in paragraph (a) of this
1144 subsection; and, after proper certification of election results,
1145 the municipal governing authorities shall pass the appropriate
1146 order to permit or prohibit the legal sale of alcoholic beverages
1147 in that portion of the municipality located in a county which has
1148 voted against coming out from under the dry law.

1149 (3) The governing authorities of a municipality that has
1150 voted to * * * allow the legal sale, manufacture and distribution
1151 of alcoholic beverages may, by ordinance, provide that alcoholic
1152 beverages may be sold in the municipality only by the holder of an
1153 on-premises retailer's permit.

1154 **SECTION 8.** Section 67-1-15, Mississippi Code of 1972, is
1155 amended as follows:

1156 67-1-15. In any county having two (2) judicial districts,
1157 each such judicial district shall be construed to be a political
1158 subdivision or subdivision of government on the same basis as a
1159 county, and as such, a judicial district will be entitled to all
1160 of the rights, privileges, and immunities as a county for the



1161 purposes of * * * instituting prohibition therein under the
1162 provisions of this article.

1163 **SECTION 9.** Section 67-1-16, Mississippi Code of 1972, is
1164 amended as follows:

1165 67-1-16. (1) (a) Before an area may be designated by the
1166 governing authorities of a municipality as an area in which
1167 facilities which are defined as qualified resort areas in Section
1168 67-1-5(o)(iii)5 may be located, an election shall be held, under
1169 the election laws applicable to the municipality, on the question
1170 of whether qualified resort areas shall be allowed in the
1171 municipality. An election to determine whether qualified resort
1172 areas shall be allowed in the municipality shall be ordered by the
1173 municipal governing authorities, upon presentation to the
1174 governing authorities of a petition containing the names of at
1175 least twenty percent (20%) of the duly qualified voters of the
1176 municipality asking for the election. An election on the question
1177 may not be held by the municipality more often than once each
1178 year.

1179 (b) Thirty (30) days' notice shall be given to the
1180 qualified electors of the municipality, in the manner prescribed
1181 by law, on the question of allowing qualified resort areas to be
1182 established. The notice shall contain a statement of the question
1183 to be voted on at the election. The ballots used in the election
1184 shall have the following words printed thereon: "FOR THE
1185 ESTABLISHMENT OF QUALIFIED RESORT AREAS," and next below, "AGAINST



1186 THE ESTABLISHMENT OF QUALIFIED RESORT AREAS." In marking his
1187 ballot, the voter shall make a cross (X) opposite the words of his
1188 choice.

1189 (c) Qualified resort areas may be established if a
1190 majority of the qualified electors voting in the election vote for
1191 such establishment. A qualified resort area may not be
1192 established if a majority of the qualified electors voting in the
1193 election vote against such establishment.

1194 (2) (a) Before a municipality may be designated as a
1195 qualified resort area as defined in Section 67-1-5(o)(iii)6, an
1196 election shall be held, under the election laws applicable to the
1197 municipality, on the question of whether the municipality shall be
1198 a qualified resort area. An election to determine whether the
1199 municipality shall be a qualified resort area shall be ordered by
1200 the municipal governing authorities, upon presentation to the
1201 governing authorities of a petition containing the names of at
1202 least twenty percent (20%) of the duly qualified voters of the
1203 municipality asking for the election. An election on the question
1204 may not be held by the municipality more often than once each
1205 year.

1206 (b) Thirty (30) days' notice shall be given to the
1207 qualified electors of the municipality, in the manner prescribed
1208 by law, on the question of allowing qualified resort areas to be
1209 established. The notice shall contain a statement of the question
1210 to be voted on at the election. The ballots used in the election



1211 shall have the following words printed thereon: "FOR THE
1212 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,
1213 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In
1214 marking his ballot, the voter shall make a cross (X) opposite the
1215 words of his choice.

1216 (c) The municipality may be established as a qualified
1217 resort area if a majority of the qualified electors voting in the
1218 election vote for such establishment. A qualified resort area may
1219 not be established if a majority of the qualified electors voting
1220 in the election vote against such establishment.

1221 (3) (a) Before an area may be designated a qualified resort
1222 area as defined in Section 67-1-5(o)(iii)7, an election shall be
1223 held in the municipality in which the area is located under the
1224 election laws applicable to the municipality, on the question of
1225 whether the area shall be a qualified resort area. An election to
1226 determine whether the area shall be a qualified resort area shall
1227 be ordered by the municipal governing authorities, upon
1228 presentation to the governing authorities of a petition containing
1229 the names of at least twenty percent (20%) of the duly qualified
1230 voters of the municipality asking for the election. An election
1231 on the question may not be held by the municipality more often
1232 than once each year.

1233 (b) Thirty (30) days' notice shall be given to the
1234 qualified electors of the municipality, in the manner prescribed
1235 by law, on the question of allowing qualified resort areas to be



1236 established. The notice shall contain a statement of the question
1237 to be voted on at the election. The ballots used in the election
1238 shall have the following words printed thereon: "FOR THE
1239 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,
1240 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In
1241 marking his ballot, the voter shall make a cross (X) opposite the
1242 words of his choice.

1243 (c) The area may be established as a qualified resort
1244 area if a majority of the qualified electors voting in the
1245 election vote for such establishment. A qualified resort area may
1246 not be established if a majority of the qualified electors voting
1247 in the election vote against such establishment.

1248 (4) (a) Before a municipality may be designated as a
1249 qualified resort area as defined in item 21, 35, 36 or 51 of
1250 Section 67-1-5(o)(iii), an election shall be held, under the
1251 election laws applicable to the municipality, on the question of
1252 whether the municipality shall be a qualified resort area. An
1253 election to determine whether the municipality shall be a
1254 qualified resort area shall be ordered by the municipal governing
1255 authorities. An election on the question may not be held by the
1256 municipality more often than once each year.

1257 (b) Thirty (30) days' notice shall be given to the
1258 qualified electors of the municipality, in the manner prescribed
1259 by law, on the question of allowing qualified resort areas to be
1260 established. The notice shall contain a statement of the question



1261 to be voted on at the election. The ballots used in the election
1262 shall have the following words printed thereon: "FOR THE
1263 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,
1264 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In
1265 marking his ballot, the voter shall make a cross (X) opposite the
1266 words of his choice.

1267 (c) The municipality may be established as a qualified
1268 resort area if a majority of the qualified electors voting in the
1269 election vote for such establishment. A qualified resort area may
1270 not be established if a majority of the qualified electors voting
1271 in the election vote against such establishment.

1272 (5) No election shall be held under this section after
1273 December 31, 2024, relating to the designation or establishment of
1274 a qualified resort area.

1275 **SECTION 10.** Section 67-1-17, Mississippi Code of 1972, is
1276 amended as follows:

1277 67-1-17. (1) It shall be unlawful for any person to have or
1278 possess either alcoholic beverages or personal property intended
1279 for use in violating the provisions of this article, or
1280 regulations prescribed under this article, or Chapter 31 of Title
1281 97, Mississippi Code of 1972. No property rights shall exist in
1282 any such personal property or alcoholic beverages. All such
1283 personal property and alcoholic beverages shall be considered
1284 contraband and shall be seized and forfeited to the State of
1285 Mississippi.



1286 (2) The following are subject to forfeiture:

1287 (a) All alcoholic beverages which have been
1288 manufactured, distilled, distributed, dispensed or acquired in
1289 violation of this article or Chapter 31 of Title 97, Mississippi
1290 Code of 1972;

1291 (b) All raw materials, products and equipment of any
1292 kind which are used, or intended for use, in manufacturing,
1293 compounding, processing, delivering, importing or exporting any
1294 alcoholic beverage in violation of this article or Chapter 31 of
1295 Title 97, Mississippi Code of 1972;

1296 (c) All property which is used, or intended for use, as
1297 a container for property described in items (a) or (b) of this
1298 subsection;

1299 (d) All conveyances, including aircraft, vehicles or
1300 vessels, which are used, or intended for use, to transport, or in
1301 any manner to facilitate the transportation, for the purpose of
1302 sale or receipt, possession or concealment, of property described
1303 in item (a) of this subsection which is in excess of six (6)
1304 gallons or of property described in item (b) of this subsection;
1305 however,

1306 (i) No conveyance used by any person as a common
1307 carrier in the transaction of business as a common carrier is
1308 subject to forfeiture under this section unless it appears that
1309 the owner or other person in charge of the conveyance is a



1310 consenting party or privy to a violation of this article or
1311 Chapter 31 of Title 97, Mississippi Code of 1972;

1312 (ii) No conveyance is subject to forfeiture under
1313 this section by reason of any act or omission proved by the owner
1314 thereof to have been committed or omitted without his knowledge or
1315 consent; if the confiscating authority has reason to believe that
1316 the conveyance is a leased or rented conveyance, then the
1317 confiscating authority shall notify the owner of the conveyance
1318 within five (5) days of the confiscation; and

1319 (iii) A forfeiture of a conveyance encumbered by a
1320 bona fide security interest is subject to the interest of the
1321 secured party if he neither had knowledge of nor consented to the
1322 act or omission;

1323 (e) All money, deadly weapons, books, records and
1324 research products and materials, including formulas, microfilm,
1325 tapes and data which are used, or intended for use, in violation
1326 of this article or Chapter 31 of Title 97, Mississippi Code of
1327 1972.

1328 (3) Property subject to forfeiture may be seized by the
1329 Alcoholic Beverage Control Division and its agents, local law
1330 enforcement officers, Mississippi Highway Patrol officers and
1331 other law enforcement personnel charged by Section 67-1-91, with
1332 enforcing the provisions of this article upon process issued by
1333 any appropriate court having jurisdiction over the property.

1334 Seizure without process may be made if:



1335 (a) The seizure is incident to an arrest or a search
1336 under a search warrant or an administrative inspection under
1337 Section 67-1-37(k);

1338 (b) The property subject to seizure has been the
1339 subject of a prior judgment in favor of the state in a criminal
1340 injunction or forfeiture proceeding based upon this article or
1341 Chapter 31 of Article 97, Mississippi Code of 1972; or

1342 (c) The Alcoholic Beverage Control Division of
1343 the * * * Department of Revenue and other law enforcement
1344 personnel described in this subsection have probable cause to
1345 believe that the property was used or is intended to be used in
1346 violation of this article or Chapter 31 of Article 97, Mississippi
1347 Code of 1972.

1348 (4) Alcoholic beverages and raw materials seized or detained
1349 under the authority of this article or Chapter 31 of Title 97,
1350 Mississippi Code of 1972, is deemed to be in the custody of the
1351 agent or agency so seizing the property and subject only to the
1352 orders and decrees of the court having jurisdiction over the
1353 property. When such property is seized it may be retained as
1354 evidence until final disposition of the cause in which such
1355 property is involved, and then the agent or agency so seizing the
1356 property shall physically transfer such alcoholic beverage or raw
1357 material to the Director of the Alcoholic Beverage Control
1358 Division of the * * * Department of Revenue together with an
1359 appropriate inventory of the items seized. Alcoholic beverages



1360 and raw materials seized or detained under the authority of this
1361 section shall be disposed of in accordance with the provisions of
1362 Section 67-1-18.

1363 (5) Any property other than alcoholic beverages and raw
1364 materials seized or detained pursuant to this article or Chapter
1365 31 of Title 97, Mississippi Code of 1972, shall be deemed to be in
1366 the custody of the agent or agency so seizing the property and
1367 subject only to the orders and decrees of the court having
1368 jurisdiction over the property. When such property is seized it
1369 may be retained as evidence until the final disposition of the
1370 cause in which such property is involved. Property seized or
1371 detained other than alcoholic beverages or raw materials shall be
1372 disposed of in accordance with the provisions of Sections 67-1-93,
1373 67-1-95 and 67-1-97.

1374 **SECTION 11.** Section 67-1-37, Mississippi Code of 1972, is
1375 amended as follows:

1376 67-1-37. The Department of Revenue, under its duties and
1377 powers with respect to the Alcoholic Beverage Control Division
1378 therein, shall have the following powers, functions and duties:

1379 (a) To issue or refuse to issue any permit provided for
1380 by this article, or to extend the permit or remit in whole or any
1381 part of the permit monies when the permit cannot be used due to a
1382 natural disaster or act of God.

1383 (b) To revoke, suspend or cancel, for violation of or
1384 noncompliance with the provisions of this article, or the law



1385 governing the production and sale of native wines or native
1386 spirits, or any lawful rules and regulations of the department
1387 issued hereunder, or for other sufficient cause, any permit issued
1388 by it under the provisions of this article. The department shall
1389 also be authorized to suspend the permit of any permit holder for
1390 being out of compliance with an order for support, as defined in
1391 Section 93-11-153. The procedure for suspension of a permit for
1392 being out of compliance with an order for support, and the
1393 procedure for the reissuance or reinstatement of a permit
1394 suspended for that purpose, and the payment of any fees for the
1395 reissuance or reinstatement of a permit suspended for that
1396 purpose, shall be governed by Section 93-11-157 or Section
1397 93-11-163, as the case may be. If there is any conflict between
1398 any provision of Section 93-11-157 or Section 93-11-163 and any
1399 provision of this article, the provisions of Section 93-11-157 or
1400 Section 93-11-163, as the case may be, shall control.

1401 (c) To prescribe forms of permits and applications for
1402 permits and of all reports which it deems necessary in
1403 administering this article.

1404 (d) To fix standards, not in conflict with those
1405 prescribed by any law of this state or of the United States, to
1406 secure the use of proper ingredients and methods of manufacture of
1407 alcoholic beverages.



1408 (e) To issue rules regulating the advertising of
1409 alcoholic beverages in the state in any class of media and
1410 permitting advertising of the retail price of alcoholic beverages.

1411 (f) To issue reasonable rules and regulations, not
1412 inconsistent with the federal laws or regulations, requiring
1413 informative labeling of all alcoholic beverages offered for sale
1414 within this state and providing for the standards of fill and
1415 shapes of retail containers of alcoholic beverages; however, such
1416 containers shall not contain less than fifty (50) milliliters by
1417 liquid measure.

1418 (g) Subject to the provisions of subsection (3) of
1419 Section 67-1-51, to issue rules and regulations governing the
1420 issuance of retail permits for premises located near or around
1421 schools, colleges, universities, churches and other public
1422 institutions, and specifying the distances therefrom within which
1423 no such permit shall be issued. The Alcoholic Beverage Control
1424 Division shall not issue a package retailer's or on-premises
1425 retailer's permit for the sale or consumption of alcoholic
1426 beverages in or on the campus of any public school, community or
1427 junior college, college or university.

1428 (h) To adopt and promulgate, repeal and amend, such
1429 rules, regulations, standards, requirements and orders, not
1430 inconsistent with this article or any law of this state or of the
1431 United States, as it deems necessary to control the manufacture,
1432 importation, transportation, distribution, delivery and sale of



1433 alcoholic liquor, whether intended for beverage or nonbeverage use
1434 in a manner not inconsistent with the provisions of this article
1435 or any other statute, including the native wine and native spirit
1436 laws.

1437 (i) To call upon other administrative departments of
1438 the state, county and municipal governments, county and city
1439 police departments and upon prosecuting officers for such
1440 information and assistance as it may deem necessary in the
1441 performance of its duties.

1442 (j) To prepare and submit to the Governor during the
1443 month of January of each year a detailed report of its official
1444 acts during the preceding fiscal year ending June 30, including
1445 such recommendations as it may see fit to make, and to transmit a
1446 like report to each member of the Legislature of this state upon
1447 the convening thereof at its next regular session.

1448 (k) To inspect, or cause to be inspected, any premises
1449 where alcoholic * * * beverages intended for sale are
1450 manufactured, stored, distributed or sold, and to examine or cause
1451 to be examined all books and records pertaining to the business
1452 conducted therein.

1453 (l) To investigate the administration of laws in
1454 relation to alcoholic * * * beverages in this and other states and
1455 any foreign countries, and to recommend from time to time to the
1456 Governor and through him to the Legislature of this state such
1457 amendments to this article, if any, as it may think desirable.



1458 (m) To designate hours and days when alcoholic
1459 beverages may be sold in different localities in the state which
1460 permit such sale.

1461 (n) To assign employees to posts of duty at locations
1462 where they will be most beneficial for the control of alcoholic
1463 beverages and to take any other action concerning persons employed
1464 under this article as authorized by law and taken in accordance
1465 with the rules, regulations and procedures of the State Personnel
1466 Board.

1467 (o) To enforce the provisions made unlawful by Chapter
1468 3, Title 67 and Section 97-5-49.

1469 (p) To delegate its authority under this article to the
1470 Alcoholic Beverage Control Division, its director or any other
1471 officer or employee of the department that it deems appropriate.

1472 (q) To prescribe and charge a fee to defray the costs
1473 of shipping alcoholic beverages, provided that such fee is
1474 determined in a manner provided by the department by rules and/or
1475 regulations adopted in accordance with the Mississippi
1476 Administrative Procedures Law.

1477 **SECTION 12.** Section 67-1-51, Mississippi Code of 1972, is
1478 amended as follows:

1479 67-1-51. (1) Permits which may be issued by the department
1480 shall be as follows:

1481 (a) **Manufacturer's permit.** It shall be illegal to
1482 sell, manufacture, bottle or distribute alcoholic beverages



1483 without first obtaining an applicable permit authorizing such
1484 activity. A manufacturer's permit shall permit the manufacture,
1485 importation in bulk, bottling and storage of alcoholic liquor and
1486 its distribution and sale to manufacturers holding permits under
1487 this article in this state and to persons outside the state who
1488 are authorized by law to purchase the same, and to sell as
1489 provided by this article.

1490 Manufacturer's permits shall be of the following classes:

1491 Class 1. Distiller's and/or rectifier's permit, which shall
1492 authorize the holder thereof to operate a distillery for the
1493 production of distilled spirits by distillation or redistillation
1494 and/or to operate a rectifying plant for the purifying, refining,
1495 mixing, blending, flavoring or reducing in proof of distilled
1496 spirits and alcohol.

1497 Class 2. Wine manufacturer's permit, which shall authorize
1498 the holder thereof to manufacture, import in bulk, bottle and
1499 store wine or vinous liquor.

1500 Class 3. Native wine producer's permit, which shall
1501 authorize the holder thereof to produce, bottle, store and sell
1502 native wines.

1503 Class 4. Native spirit producer's permit, which shall
1504 authorize the holder thereof to produce, bottle, store and sell
1505 native spirits.

1506 (b) **Package retailer's permit.** Except as otherwise
1507 provided in this paragraph and Section 67-1-52, a package



1508 retailer's permit shall authorize the holder thereof to operate a
1509 store exclusively for the sale at retail in original sealed and
1510 unopened packages of alcoholic beverages, including native wines,
1511 native spirits and edibles, not to be consumed on the premises
1512 where sold. Alcoholic beverages shall not be sold by any retailer
1513 in any package or container containing less than fifty (50)
1514 milliliters by liquid measure. A package retailer's permit, with
1515 prior approval from the department, shall authorize the holder
1516 thereof to sample new product furnished by a manufacturer's
1517 representative or his employees at the permitted place of business
1518 so long as the sampling otherwise complies with this article and
1519 applicable department regulations. Such samples may not be
1520 provided to customers at the permitted place of business. In
1521 addition to the sale at retail of packages of alcoholic beverages,
1522 the holder of a package retailer's permit is authorized to sell at
1523 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers,
1524 other beverages commonly used to mix with alcoholic beverages, and
1525 fruits and foods that have been submerged in alcohol and are
1526 commonly referred to as edibles. Nonalcoholic beverages sold by
1527 the holder of a package retailer's permit shall not be consumed on
1528 the premises where sold.

1529 (c) **On-premises retailer's permit.** Except as otherwise
1530 provided in subsection (5) of this section, an on-premises
1531 retailer's permit shall authorize the sale of alcoholic beverages,
1532 including native wines and native spirits, for consumption on the



1533 licensed premises only; however, a patron of the permit holder may
1534 remove one (1) bottle of wine from the licensed premises if: (i)
1535 the patron consumed a portion of the bottle of wine in the course
1536 of consuming a meal purchased on the licensed premises; (ii) the
1537 permit holder securely reseals the bottle; (iii) the bottle is
1538 placed in a bag that is secured in a manner so that it will be
1539 visibly apparent if the bag is opened; and (iv) a dated receipt
1540 for the wine and the meal is available. Additionally, as part of
1541 a carryout order, a permit holder may sell one (1) bottle of wine
1542 to be removed from the licensed premises for every two (2) entrees
1543 ordered. In addition, an on-premises retailer's permittee at a
1544 permitted premises located on Jefferson Davis Avenue within
1545 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic
1546 beverages by the glass to a patron in a vehicle using a
1547 drive-through method of delivery if the permitted premises is
1548 located in a leisure and recreation district established under
1549 Section 67-1-101. Such a sale will be considered to be made on
1550 the permitted premises. An on-premises retailer's permit shall be
1551 issued only to qualified hotels, restaurants and clubs, small
1552 craft breweries, microbreweries, and to common carriers with
1553 adequate facilities for serving passengers. In resort areas,
1554 whether inside or outside of a municipality, the department, in
1555 its discretion, may issue on-premises retailer's permits to such
1556 establishments as it deems proper. An on-premises retailer's
1557 permit when issued to a common carrier shall authorize the sale



1558 and serving of alcoholic beverages aboard any licensed vehicle
1559 while moving through any county of the state; however, the sale of
1560 such alcoholic beverages shall not be permitted while such vehicle
1561 is stopped in a county that has * * * voted to institute
1562 prohibition, unless the vehicle is located in a municipality
1563 wherein the sale of alcoholic beverages is legal. If an
1564 on-premises retailer's permit is applied for by a common carrier
1565 operating solely in the water, such common carrier must, along
1566 with all other qualifications for a permit, (i) be certified to
1567 carry at least one hundred fifty (150) passengers and/or provide
1568 overnight accommodations for at least fifty (50) passengers and
1569 (ii) operate primarily in the waters within the State of
1570 Mississippi which lie adjacent to the State of Mississippi south
1571 of the three (3) most southern counties in the State of
1572 Mississippi and/or on the Mississippi River or navigable waters
1573 within any county bordering on the Mississippi River.

1574 (d) **Solicitor's permit.** A solicitor's permit shall
1575 authorize the holder thereof to act as salesman for a manufacturer
1576 or wholesaler holding a proper permit, to solicit on behalf of his
1577 employer orders for alcoholic beverages, and to otherwise promote
1578 his employer's products in a legitimate manner. Such a permit
1579 shall authorize the representation of and employment by one (1)
1580 principal only. However, the permittee may also, in the
1581 discretion of the department, be issued additional permits to
1582 represent other principals. No such permittee shall buy or sell



1583 alcoholic beverages for his own account, and no such beverage
1584 shall be brought into this state in pursuance of the exercise of
1585 such permit otherwise than through a permit issued to a wholesaler
1586 or manufacturer in the state.

1587 (e) **Native wine retailer's permit.** Except as otherwise
1588 provided in subsection (5) of this section, a native wine
1589 retailer's permit shall be issued only to a holder of a Class 3
1590 manufacturer's permit, and shall authorize the holder thereof to
1591 make retail sales of native wines to consumers for on-premises
1592 consumption or to consumers in originally sealed and unopened
1593 containers at an establishment located on the premises of or in
1594 the immediate vicinity of a native winery. When selling to
1595 consumers for on-premises consumption, a holder of a native wine
1596 retailer's permit may add to the native wine alcoholic beverages
1597 not produced on the premises, so long as the total volume of
1598 foreign beverage components does not exceed twenty percent (20%)
1599 of the mixed beverage. Hours of sale shall be the same as those
1600 authorized for on-premises permittees in the city or county in
1601 which the native wine retailer is located.

1602 (f) **Temporary retailer's permit.** Except as otherwise
1603 provided in subsection (5) of this section, a temporary retailer's
1604 permit shall permit the purchase and resale of alcoholic
1605 beverages, including native wines and native spirits, during legal
1606 hours on the premises described in the temporary permit only.



1607 Temporary retailer's permits shall be of the following
1608 classes:

1609 Class 1. A temporary one-day permit may be issued to bona
1610 fide nonprofit civic or charitable organizations authorizing the
1611 sale of alcoholic beverages, including native wine and native
1612 spirit, for consumption on the premises described in the temporary
1613 permit only. Class 1 permits may be issued only to applicants
1614 demonstrating to the department, by a statement signed under
1615 penalty of perjury submitted ten (10) days prior to the proposed
1616 date or such other time as the department may determine, that they
1617 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
1618 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
1619 Class 1 permittees shall obtain all alcoholic beverages from
1620 package retailers located in the county in which the temporary
1621 permit is issued. Alcoholic beverages remaining in stock upon
1622 expiration of the temporary permit may be returned by the
1623 permittee to the package retailer for a refund of the purchase
1624 price upon consent of the package retailer or may be kept by the
1625 permittee exclusively for personal use and consumption, subject to
1626 all laws pertaining to the illegal sale and possession of
1627 alcoholic beverages. The department, following review of the
1628 statement provided by the applicant and the requirements of the
1629 applicable statutes and regulations, may issue the permit.

1630 Class 2. A temporary permit, not to exceed seventy (70)
1631 days, may be issued to prospective permittees seeking to transfer



1632 a permit authorized in paragraph (c) of this subsection. A Class
1633 2 permit may be issued only to applicants demonstrating to the
1634 department, by a statement signed under the penalty of perjury,
1635 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
1636 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
1637 67-1-59. The department, following a preliminary review of the
1638 statement provided by the applicant and the requirements of the
1639 applicable statutes and regulations, may issue the permit.

1640 Class 2 temporary permittees must purchase their alcoholic
1641 beverages directly from the department or, with approval of the
1642 department, purchase the remaining stock of the previous
1643 permittee. If the proposed applicant of a Class 1 or Class 2
1644 temporary permit falsifies information contained in the
1645 application or statement, the applicant shall never again be
1646 eligible for a retail alcohol beverage permit and shall be subject
1647 to prosecution for perjury.

1648 Class 3. A temporary one-day permit may be issued to a
1649 retail establishment authorizing the complimentary distribution of
1650 wine, including native wine, to patrons of the retail
1651 establishment at an open house or promotional event, for
1652 consumption only on the premises described in the temporary
1653 permit. A Class 3 permit may be issued only to an applicant
1654 demonstrating to the department, by a statement signed under
1655 penalty of perjury submitted ten (10) days before the proposed
1656 date or such other time as the department may determine, that it



1657 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
1658 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
1659 A Class 3 permit holder shall obtain all alcoholic beverages from
1660 the holder(s) of a package retailer's permit located in the county
1661 in which the temporary permit is issued. Wine remaining in stock
1662 upon expiration of the temporary permit may be returned by the
1663 Class 3 temporary permit holder to the package retailer for a
1664 refund of the purchase price, with consent of the package
1665 retailer, or may be kept by the Class 3 temporary permit holder
1666 exclusively for personal use and consumption, subject to all laws
1667 pertaining to the illegal sale and possession of alcoholic
1668 beverages. The department, following review of the statement
1669 provided by the applicant and the requirements of the applicable
1670 statutes and regulations, may issue the permit. No retailer may
1671 receive more than twelve (12) Class 3 temporary permits in a
1672 calendar year. A Class 3 temporary permit shall not be issued to
1673 a retail establishment that either holds a merchant permit issued
1674 under paragraph (1) of this subsection, or holds a permit issued
1675 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
1676 the holder to engage in the business of a retailer of light wine
1677 or beer.

1678 (g) **Caterer's permit.** A caterer's permit shall permit
1679 the purchase of alcoholic beverages by a person engaging in
1680 business as a caterer and the resale of alcoholic beverages by
1681 such person in conjunction with such catering business. No person



1682 shall qualify as a caterer unless forty percent (40%) or more of
1683 the revenue derived from such catering business shall be from the
1684 serving of prepared food and not from the sale of alcoholic
1685 beverages and unless such person has obtained a permit for such
1686 business from the Department of Health. A caterer's permit shall
1687 not authorize the sale of alcoholic beverages on the premises of
1688 the person engaging in business as a caterer; however, the holder
1689 of an on-premises retailer's permit may hold a caterer's permit.
1690 When the holder of an on-premises retailer's permit or an
1691 affiliated entity of the holder also holds a caterer's permit, the
1692 caterer's permit shall not authorize the service of alcoholic
1693 beverages on a consistent, recurring basis at a separate, fixed
1694 location owned or operated by the caterer, on-premises retailer or
1695 affiliated entity and an on-premises retailer's permit shall be
1696 required for the separate location. All sales of alcoholic
1697 beverages by holders of a caterer's permit shall be made at the
1698 location being catered by the caterer, and, except as otherwise
1699 provided in subsection (5) of this section, such sales may be made
1700 only for consumption at the catered location. The location being
1701 catered may be anywhere within a county or judicial district * * *
1702 except in a county or judicial district where prohibition has been
1703 instituted and the sale or distribution of alcoholic beverages is
1704 illegal. Such sales shall be made pursuant to any other
1705 conditions and restrictions which apply to sales made by
1706 on-premises retail permittees. The holder of a caterer's permit



1707 or his employees shall remain at the catered location as long as
1708 alcoholic beverages are being sold pursuant to the permit issued
1709 under this paragraph (g), and the permittee shall have at the
1710 location the identification card issued by the Alcoholic Beverage
1711 Control Division of the department. No unsold alcoholic beverages
1712 may be left at the catered location by the permittee upon the
1713 conclusion of his business at that location. Appropriate law
1714 enforcement officers and Alcoholic Beverage Control Division
1715 personnel may enter a catered location on private property in
1716 order to enforce laws governing the sale or serving of alcoholic
1717 beverages.

1718 (h) **Research permit.** A research permit shall authorize
1719 the holder thereof to operate a research facility for the
1720 professional research of alcoholic beverages. Such permit shall
1721 authorize the holder of the permit to import and purchase limited
1722 amounts of alcoholic beverages from the department or from
1723 importers, wineries and distillers of alcoholic beverages for
1724 professional research.

1725 (i) **Alcohol processing permit.** An alcohol processing
1726 permit shall authorize the holder thereof to purchase, transport
1727 and possess alcoholic beverages for the exclusive use in cooking,
1728 processing or manufacturing products which contain alcoholic
1729 beverages as an integral ingredient. An alcohol processing permit
1730 shall not authorize the sale of alcoholic beverages on the
1731 premises of the person engaging in the business of cooking,



1732 processing or manufacturing products which contain alcoholic
1733 beverages. The amounts of alcoholic beverages allowed under an
1734 alcohol processing permit shall be set by the department.

1735 (j) **Hospitality cart permit.** A hospitality cart permit
1736 shall authorize the sale of alcoholic beverages from a mobile cart
1737 on a golf course that is the holder of an on-premises retailer's
1738 permit. The alcoholic beverages sold from the cart must be
1739 consumed within the boundaries of the golf course.

1740 (k) **Special service permit.** A special service permit
1741 shall authorize the holder to sell commercially sealed alcoholic
1742 beverages to the operator of a commercial or private aircraft for
1743 en route consumption only by passengers. A special service permit
1744 shall be issued only to a fixed-base operator who contracts with
1745 an airport facility to provide fueling and other associated
1746 services to commercial and private aircraft.

1747 (l) **Merchant permit.** Except as otherwise provided in
1748 subsection (5) of this section, a merchant permit shall be issued
1749 only to the owner of a spa facility, an art studio or gallery, or
1750 a cooking school, and shall authorize the holder to serve
1751 complimentary by the glass wine only, including native wine, at
1752 the holder's spa facility, art studio or gallery, or cooking
1753 school. A merchant permit holder shall obtain all wine from the
1754 holder of a package retailer's permit.

1755 (m) **Temporary alcoholic beverages charitable auction**
1756 **permit.** A temporary permit, not to exceed five (5) days, may be



1757 issued to a qualifying charitable nonprofit organization that is
1758 exempt from taxation under Section 501(c)(3) or (4) of the
1759 Internal Revenue Code of 1986. The permit shall authorize the
1760 holder to sell alcoholic beverages for the limited purpose of
1761 raising funds for the organization during a live or silent auction
1762 that is conducted by the organization and that meets the following
1763 requirements: (i) the auction is conducted in an area of the
1764 state where the sale of alcoholic beverages is authorized; (ii) if
1765 the auction is conducted on the premises of an on-premises
1766 retailer's permit holder, then the alcoholic beverages to be
1767 auctioned must be stored separately from the alcoholic beverages
1768 sold, stored or served on the premises, must be removed from the
1769 premises immediately following the auction, and may not be
1770 consumed on the premises; (iii) the permit holder may not conduct
1771 more than two (2) auctions during a calendar year; (iv) the permit
1772 holder may not pay a commission or promotional fee to any person
1773 to arrange or conduct the auction.

1774 (n) **Event venue retailer's permit.** An event venue
1775 retailer's permit shall authorize the holder thereof to purchase
1776 and resell alcoholic beverages, including native wines and native
1777 spirits, for consumption on the premises during legal hours during
1778 events held on the licensed premises if food is being served at
1779 the event by a caterer who is not affiliated with or related to
1780 the permittee. The caterer must serve at least three (3) entrees.
1781 The permit may only be issued for venues that can accommodate two



1782 hundred (200) persons or more. The number of persons a venue may
1783 accommodate shall be determined by the local fire department and
1784 such determination shall be provided in writing and submitted
1785 along with all other documents required to be provided for an
1786 on-premises retailer's permit. The permittee must derive the
1787 majority of its revenue from event-related fees, including, but
1788 not limited to, admission fees or ticket sales for live
1789 entertainment in the building. "Event-related fees" do not
1790 include alcohol, beer or light wine sales or any fee which may be
1791 construed to cover the cost of alcohol, beer or light wine. This
1792 determination shall be made on a per event basis. An event may
1793 not last longer than two (2) consecutive days per week.

1794 (o) **Temporary theatre permit.** A temporary theatre
1795 permit, not to exceed five (5) days, may be issued to a charitable
1796 nonprofit organization that is exempt from taxation under Section
1797 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
1798 a theatre facility that features plays and other theatrical
1799 performances and productions. Except as otherwise provided in
1800 subsection (5) of this section, the permit shall authorize the
1801 holder to sell alcoholic beverages, including native wines and
1802 native spirits, to patrons of the theatre during performances and
1803 productions at the theatre facility for consumption during such
1804 performances and productions on the premises of the facility
1805 described in the permit. A temporary theatre permit holder shall
1806 obtain all alcoholic beverages from package retailers located in



1807 the county in which the permit is issued. Alcoholic beverages
1808 remaining in stock upon expiration of the temporary theatre permit
1809 may be returned by the permittee to the package retailer for a
1810 refund of the purchase price upon consent of the package retailer
1811 or may be kept by the permittee exclusively for personal use and
1812 consumption, subject to all laws pertaining to the illegal sale
1813 and possession of alcoholic beverages.

1814 (p) **Charter ship operator's permit.** Subject to the
1815 provisions of this paragraph (p), a charter ship operator's permit
1816 shall authorize the holder thereof and its employees to serve,
1817 monitor, store and otherwise control the serving and availability
1818 of alcoholic beverages to customers of the permit holder during
1819 private charters under contract provided by the permit holder. A
1820 charter ship operator's permit shall authorize such action by the
1821 permit holder and its employees only as to alcoholic beverages
1822 brought onto the permit holder's ship by customers of the permit
1823 holder as part of such a private charter. All such alcoholic
1824 beverages must be removed from the charter ship at the conclusion
1825 of each private charter. A charter ship operator's permit shall
1826 not authorize the permit holder to sell, charge for or otherwise
1827 supply alcoholic beverages to customers, except as authorized in
1828 this paragraph (p). For the purposes of this paragraph (p),
1829 "charter ship operator" means a common carrier that (i) is
1830 certified to carry at least one hundred fifty (150) passengers
1831 and/or provide overnight accommodations for at least fifty (50)



1832 passengers, (ii) operates only in the waters within the State of
1833 Mississippi, which lie adjacent to the State of Mississippi south
1834 of the three (3) most southern counties in the State of
1835 Mississippi, and (iii) provides charters under contract for tours
1836 and trips in such waters.

1837 (q) **Distillery retailer's permit.** The holder of a
1838 Class 1 manufacturer's permit may obtain a distillery retailer's
1839 permit. A distillery retailer's permit shall authorize the holder
1840 thereof to sell at retail alcoholic beverages to consumers for
1841 on-premises consumption, or to consumers by the sealed and
1842 unopened bottle from a retail location at the distillery for
1843 off-premises consumption. The holder may only sell product
1844 manufactured by the manufacturer at the distillery described in
1845 the permit. However, when selling to consumers for on-premises
1846 consumption, a holder of a distillery retailer's permit may add
1847 other beverages, alcoholic or not, so long as the total volume of
1848 other beverage components containing alcohol does not exceed
1849 twenty percent (20%). Hours of sale shall be the same as those
1850 authorized for on-premises permittees in the city or county in
1851 which the distillery retailer is located.

1852 The holder shall not sell at retail more than ten percent
1853 (10%) of the alcoholic beverages produced annually at its
1854 distillery. The holder shall not make retail sales of more than
1855 two and twenty-five one-hundredths (2.25) liters, in the
1856 aggregate, of the alcoholic beverages produced at its distillery



1857 to any one (1) individual for consumption off the premises of the
1858 distillery within a twenty-four-hour period. The hours of sale
1859 shall be the same as those hours for package retailers under this
1860 article. The holder of a distillery retailer's permit is not
1861 required to purchase the alcoholic beverages authorized to be sold
1862 by this paragraph from the department's liquor distribution
1863 warehouse; however, if the holder does not purchase the alcoholic
1864 beverages from the department's liquor distribution warehouse, the
1865 holder shall pay to the department all taxes, fees and surcharges
1866 on the alcoholic beverages that are imposed upon the sale of
1867 alcoholic beverages shipped by the department or its warehouse
1868 operator. In addition to alcoholic beverages, the holder of a
1869 distillery retailer's permit may sell at retail promotional
1870 products from the same retail location, including shirts, hats,
1871 glasses, and other promotional products customarily sold by
1872 alcoholic beverage manufacturers.

1873 (r) **Festival Wine Permit.** Any wine manufacturer or
1874 native wine producer permitted by Mississippi or any other state
1875 is eligible to obtain a Festival Wine Permit. This permit
1876 authorizes the entity to transport product manufactured by it to
1877 festivals held within the State of Mississippi and sell sealed,
1878 unopened bottles to festival participants. The holder of this
1879 permit may provide samples at no charge to participants.
1880 "Festival" means any event at which three (3) or more vendors are
1881 present at a location for the sale or distribution of goods. The



1882 holder of a Festival Wine Permit is not required to purchase the
1883 alcoholic beverages authorized to be sold by this paragraph from
1884 the department's liquor distribution warehouse. However, if the
1885 holder does not purchase the alcoholic beverages from the
1886 department's liquor distribution warehouse, the holder of this
1887 permit shall pay to the department all taxes, fees and surcharges
1888 on the alcoholic beverages sold at such festivals that are imposed
1889 upon the sale of alcoholic beverages shipped by the Alcoholic
1890 Beverage Control Division of the Department of Revenue.
1891 Additionally, the entity shall file all applicable reports and
1892 returns as prescribed by the department. This permit is issued
1893 per festival and provides authority to sell for two (2)
1894 consecutive days during the hours authorized for on-premises
1895 permittees' sales in that county or city. The holder of the
1896 permit shall be required to maintain all requirements set by Local
1897 Option Law for the service and sale of alcoholic beverages. This
1898 permit may be issued to entities participating in festivals at
1899 which a Class 1 temporary permit is in effect.

1900 This paragraph (r) shall stand repealed from and after July
1901 1, 2026.

1902 (s) **Charter vessel operator's permit.** Subject to the
1903 provisions of this paragraph (s), a charter vessel operator's
1904 permit shall authorize the holder thereof and its employees to
1905 sell and serve alcoholic beverages to passengers of the permit
1906 holder during public tours, historical tours, ecological tours and



1907 sunset cruises provided by the permit holder. The permit shall
1908 authorize the holder to only sell alcoholic beverages, including
1909 native wines, to passengers of the charter vessel operator during
1910 public tours, historical tours, ecological tours and sunset
1911 cruises provided by the permit holder aboard the charter vessel
1912 operator for consumption during such tours and cruises on the
1913 premises of the charter vessel operator described in the permit.
1914 For the purposes of this paragraph (s), "charter vessel operator"
1915 means a common carrier that (i) is certified to carry at least
1916 forty-nine (49) passengers, (ii) operates only in the waters
1917 within the State of Mississippi, which lie south of Interstate 10
1918 in the three (3) most southern counties in the State of
1919 Mississippi, and lie adjacent to the State of Mississippi south of
1920 the three (3) most southern counties in the State of Mississippi,
1921 extending not further than one (1) mile south of such counties,
1922 and (iii) provides vessel services for tours and cruises in such
1923 waters as provided in this paragraph(s).

1924 (t) **Native spirit retailer's permit.** Except as
1925 otherwise provided in subsection (5) of this section, a native
1926 spirit retailer's permit shall be issued only to a holder of a
1927 Class 4 manufacturer's permit, and shall authorize the holder
1928 thereof to make retail sales of native spirits to consumers for
1929 on-premises consumption or to consumers in originally sealed and
1930 unopened containers at an establishment located on the premises of
1931 or in the immediate vicinity of a native distillery. When selling



1932 to consumers for on-premises consumption, a holder of a native
1933 spirit retailer's permit may add to the native spirit alcoholic
1934 beverages not produced on the premises, so long as the total
1935 volume of foreign beverage components does not exceed twenty
1936 percent (20%) of the mixed beverage. Hours of sale shall be the
1937 same as those authorized for on-premises permittees in the city or
1938 county in which the native spirit retailer is located.

1939 (u) **Delivery service permit.** Any individual, limited
1940 liability company, corporation or partnership registered to do
1941 business in this state is eligible to obtain a delivery service
1942 permit. Subject to the provisions of Section 67-1-51.1, this
1943 permit authorizes the permittee, or its employee or an independent
1944 contractor acting on its behalf, to deliver alcoholic beverages,
1945 beer, light wine and light spirit product from a licensed retailer
1946 to a person in this state who is at least twenty-one (21) years of
1947 age for the individual's use and not for resale. This permit does
1948 not authorize the delivery of alcoholic beverages, beer, light
1949 wine or light spirit product to the premises of a location with a
1950 permit for the manufacture, distribution or retail sale of
1951 alcoholic beverages, beer, light wine or light spirit product.
1952 The holder of a package retailer's permit or an on-premises
1953 retailer's permit under Section 67-1-51 or of a beer, light wine
1954 and light spirit product permit under Section 67-3-19 is
1955 authorized to apply for a delivery service permit as a privilege
1956 separate from its existing retail permit.



1957 (v) **Food truck permit.** A food truck permit shall
1958 authorize the holder of an on-premises retailer's permit to use a
1959 food truck to sell alcoholic beverages off its premises to guests
1960 who must consume the beverages in open containers. For the
1961 purposes of this paragraph (v), "food truck" means a fully encased
1962 food service establishment on a motor vehicle or on a trailer that
1963 a motor vehicle pulls to transport, and from which a vendor,
1964 standing within the frame of the establishment, prepares, cooks,
1965 sells and serves food for immediate human consumption. The term
1966 "food truck" does not include a food cart that is not motorized.
1967 Food trucks shall maintain such distance requirements from
1968 schools, churches, kindergartens and funeral homes as are required
1969 for on-premises retailer's permittees under this article, and all
1970 sales must be made within a valid leisure and recreation district
1971 established under Section 67-1-101. Food trucks cannot sell or
1972 serve alcoholic beverages unless also offering food prepared and
1973 cooked within the food truck, and permittees must maintain a
1974 twenty-five percent (25%) food sale revenue requirement based on
1975 the food sold from the food truck alone. The hours allowed for
1976 sale shall be the same as those for on-premises retailer's
1977 permittees in the location. This permit will not be required for
1978 the holder of a caterer's permit issued under this article to
1979 cater an event as allowed by law. Permittees must provide notice
1980 of not less than forty-eight (48) hours to the department of each
1981 location at which alcoholic beverages will be sold.



1982 (2) Except as otherwise provided in subsection (4) of this
1983 section, retail permittees may hold more than one (1) retail
1984 permit, at the discretion of the department.

1985 (3) (a) Except as otherwise provided in this subsection, no
1986 authority shall be granted to any person to manufacture, sell or
1987 store for sale any intoxicating liquor as specified in this
1988 article within four hundred (400) feet of any church, school,
1989 kindergarten or funeral home. However, within an area zoned
1990 commercial or business, such minimum distance shall be not less
1991 than one hundred (100) feet.

1992 (b) A church or funeral home may waive the distance
1993 restrictions imposed in this subsection in favor of allowing
1994 issuance by the department of a permit, pursuant to subsection (1)
1995 of this section, to authorize activity relating to the
1996 manufacturing, sale or storage of alcoholic beverages which would
1997 otherwise be prohibited under the minimum distance criterion.
1998 Such waiver shall be in written form from the owner, the governing
1999 body, or the appropriate officer of the church or funeral home
2000 having the authority to execute such a waiver, and the waiver
2001 shall be filed with and verified by the department before becoming
2002 effective.

2003 (c) The distance restrictions imposed in this
2004 subsection shall not apply to the sale or storage of alcoholic
2005 beverages at a bed and breakfast inn listed in the National
2006 Register of Historic Places or to the sale or storage of alcoholic



2007 beverages in a historic district that is listed in the National
2008 Register of Historic Places, is a qualified resort area and is
2009 located in a municipality having a population greater than one
2010 hundred thousand (100,000) according to the latest federal
2011 decennial census.

2012 (d) The distance restrictions imposed in this
2013 subsection shall not apply to the sale or storage of alcoholic
2014 beverages at a qualified resort area as defined in Section
2015 67-1-5(o)(iii)32.

2016 (e) The distance restrictions imposed in this
2017 subsection shall not apply to the sale or storage of alcoholic
2018 beverages at a licensed premises in a building formerly owned by a
2019 municipality and formerly leased by the municipality to a
2020 municipal school district and used by the municipal school
2021 district as a district bus shop facility.

2022 (f) The distance restrictions imposed in this
2023 subsection shall not apply to the sale or storage of alcoholic
2024 beverages at a licensed premises in a building consisting of at
2025 least five thousand (5,000) square feet and located approximately
2026 six hundred (600) feet from the intersection of Mississippi
2027 Highway 15 and Mississippi Highway 4.

2028 (g) The distance restrictions imposed in this
2029 subsection shall not apply to the sale or storage of alcoholic
2030 beverages at a licensed premises in a building located at or near



2031 the intersection of Ward and Tate Streets and adjacent properties
2032 in the City of Senatobia, Mississippi.

2033 (h) The distance restrictions imposed in this
2034 subsection shall not apply to the sale or storage of alcoholic
2035 beverages at a theatre facility that features plays and other
2036 theatrical performances and productions and (i) is capable of
2037 seating more than seven hundred fifty (750) people, (ii) is owned
2038 by a municipality which has a population greater than ten thousand
2039 (10,000) according to the latest federal decennial census, (iii)
2040 was constructed prior to 1930, (iv) is on the National Register of
2041 Historic Places, and (v) is located in a historic district.

2042 (i) The distance restrictions imposed in this
2043 subsection shall not apply to the sale or storage of alcoholic
2044 beverages at a licensed premises in a building located
2045 approximately one and six-tenths (1.6) miles north of the
2046 intersection of Mississippi Highway 15 and Mississippi Highway 4
2047 on the west side of Mississippi Highway 15.

2048 (4) No person, either individually or as a member of a firm,
2049 partnership, limited liability company or association, or as a
2050 stockholder, officer or director in a corporation, shall own or
2051 control any interest in more than one (1) package retailer's
2052 permit, nor shall such person's spouse, if living in the same
2053 household of such person, any relative of such person, if living
2054 in the same household of such person, or any other person living



2055 in the same household with such person own any interest in any
2056 other package retailer's permit.

2057 (5) (a) In addition to any other authority granted under
2058 this section, the holder of a permit issued under subsection
2059 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
2060 sell or otherwise provide alcoholic beverages and/or wine to a
2061 patron of the permit holder in the manner authorized in the permit
2062 and the patron may remove an open glass, cup or other container of
2063 the alcoholic beverage and/or wine from the licensed premises and
2064 may possess and consume the alcoholic beverage or wine outside of
2065 the licensed premises if: (i) the licensed premises is located
2066 within a leisure and recreation district created under Section
2067 67-1-101 and (ii) the patron remains within the boundaries of the
2068 leisure and recreation district while in possession of the
2069 alcoholic beverage or wine.

2070 (b) Nothing in this subsection shall be construed to
2071 allow a person to bring any alcoholic beverages into a permitted
2072 premises except to the extent otherwise authorized by this
2073 article.

2074 **SECTION 13.** Section 67-1-57, Mississippi Code of 1972, is
2075 amended as follows:

2076 67-1-57. Before a permit is issued the department shall
2077 satisfy itself:

2078 (a) That the applicant, if an individual, or if a
2079 partnership, each of the members of the partnership, or if a



2080 corporation, each of its principal officers and directors, or if a
2081 limited liability company, each member of the limited liability
2082 company, is of good moral character and, in addition, enjoys a
2083 reputation of being a peaceable, law-abiding citizen of the
2084 community in which he resides, and is generally fit for the trust
2085 to be reposed in him, is not less than twenty-one (21) years of
2086 age, and has not been convicted of a felony in any state or
2087 federal court.

2088 (b) That, except in the case of an application for a
2089 solicitor's permit, the applicant is the true and actual owner of
2090 the business for which the permit is desired, and that he intends
2091 to carry on the business authorized for himself and not as the
2092 agent of any other person, and that he intends to superintend in
2093 person the management of the business or that he will designate a
2094 manager to manage the business for him. All managers must be
2095 approved by the department prior to completing any managerial
2096 tasks on behalf of the permittee and must possess all of the
2097 qualifications required of a permittee; however, a felony
2098 conviction, other than a crime of violence, does not automatically
2099 disqualify a person from being approved as a manager if the person
2100 was released from incarceration at least three (3) years prior to
2101 application for approval as a manager. A felony conviction, other
2102 than a crime of violence, may be considered by the department in
2103 determining whether all other qualifications are met.



2104 (c) That the applicant for a package retailer's permit,
2105 if an individual, is a resident of the State of Mississippi. If
2106 the applicant is a partnership, each member of the partnership
2107 must be a resident of the state. If the applicant is a limited
2108 liability company, each member of the limited liability company
2109 must be a resident of the state. If the applicant is a
2110 corporation, the designated manager of the corporation must be a
2111 resident of the state.

2112 (d) That the place for which the permit is to be issued
2113 is an appropriate one considering the character of the premises
2114 and the surrounding neighborhood.

2115 (e) That the place for which the permit is to be issued
2116 is within the corporate limits of an incorporated municipality or
2117 qualified resort area or club which comes within the provisions of
2118 this article.

2119 (f) That the applicant is not indebted to the state for
2120 any taxes, fees or payment of penalties imposed by any law of the
2121 State of Mississippi or by any rule or regulation of the * * *
2122 department.

2123 (g) That the applicant is not in the habit of using
2124 alcoholic beverages to excess and is not physically or mentally
2125 incapacitated, and that the applicant has the ability to read and
2126 write the English language.

2127 (h) That the * * * department does not believe and has
2128 no reason to believe that the applicant will sell or knowingly



2129 permit any agent, servant or employee to unlawfully sell * * *
2130 alcoholic beverages in * * * an area in which prohibition is
2131 instituted or in any other manner contrary to law.

2132 (i) That the applicant is not residentially domiciled
2133 with any person whose permit or license has been cancelled for
2134 cause within the twelve (12) months next preceding the date of the
2135 present application for a permit.

2136 (j) That the * * * department has not, in the exercise
2137 of its discretion which is reserved and preserved to it, refused
2138 to grant permits under the restrictions of this section, as well
2139 as under any other pertinent provision of this article.

2140 (k) That there are not sufficient legal reasons to deny
2141 a permit on the ground that the premises for which the permit is
2142 sought has previously been operated, used or frequented for any
2143 purpose or in any manner that is lewd, immoral or offensive to
2144 public decency. In the granting or withholding of any permit to
2145 sell alcoholic beverages at retail, the * * * department in
2146 forming its conclusions may give consideration to any
2147 recommendations made in writing by the district or county attorney
2148 or county, circuit or chancery judge of the county, or the sheriff
2149 of the county, or the mayor or chief of police of an incorporated
2150 city or town wherein the applicant proposes to conduct his
2151 business and to any recommendations made by representatives of
2152 the * * * department.



2153 (1) That the applicant and the applicant's key
2154 employees, as determined by the * * * department, do not have a
2155 disqualifying criminal record. In order to obtain a criminal
2156 record history check, the applicant shall submit to the * * *
2157 department a set of fingerprints from any local law enforcement
2158 agency for each person for whom the records check is required.
2159 The * * * department shall forward the fingerprints to the
2160 Mississippi Department of Public Safety. If no disqualifying
2161 record is identified at the state level, the Department of Public
2162 Safety shall forward the fingerprints to the Federal Bureau of
2163 Investigation for a national criminal history record check. Costs
2164 for processing the set or sets of fingerprints shall be borne by
2165 the applicant. The * * * department shall not deny employment to
2166 an employee of the applicant prior to the identification of a
2167 disqualifying record or other disqualifying information.

2168 **SECTION 14.** Section 67-1-65, Mississippi Code of 1972, is
2169 amended as follows:

2170 67-1-65. In any county having heretofore voted, or which
2171 hereafter votes before January 1, 2025, to come out from under the
2172 prohibition law as such law existed before January 1, 2025, in
2173 which there is not located an incorporated municipality within
2174 such county, the * * * Department of Revenue may issue package
2175 retailer's permits in such county.

2176 **SECTION 15.** Section 67-1-85, Mississippi Code of 1972, is
2177 amended as follows:



2178 67-1-85. (1) The holder of a package retailer's permit may
2179 have signs, lighted or otherwise, on the outside of the premises
2180 covered by his permit which advertise, announce or advise of the
2181 sale of alcoholic beverages in or on said premises. Wherever the
2182 sign is located on the premises, the name of the business shall
2183 also include the permit number thereof, preceded by the words
2184 "A.B.C. Permit No."

2185 (2) It shall be lawful to advertise alcoholic beverages by
2186 means of signs, billboards or displays on or along any road,
2187 highway, street or building.

2188 (3) It shall be lawful for publishers, broadcasters and
2189 other kinds, types or forms of public and private advertising
2190 media to advertise alcoholic beverages; however, no alcoholic
2191 beverages may be advertised during, or within five (5) minutes
2192 preceding or following, any television broadcast which consists
2193 primarily of animated material intended for viewing by young
2194 children.

2195 (4) Notwithstanding the provisions of this section to the
2196 contrary, it shall be unlawful to advertise alcoholic beverages by
2197 means of signs, billboards or displays in any municipality, county
2198 or judicial district * * * that has voted to institute
2199 prohibition.

2200 **SECTION 16.** Section 67-1-91, Mississippi Code of 1972, is
2201 amended as follows:



2202 67-1-91. (1) It is hereby made the duty of every police and
2203 peace officer and every district and county attorney and the
2204 Alcoholic Beverage Control Division of the * * * Department of
2205 Revenue to enforce the provisions of this article and to inform
2206 against and diligently prosecute persons whom they have reasonable
2207 cause to believe to be offenders against the provisions thereof.
2208 Every such officer refusing or neglecting to do so shall be guilty
2209 of a misdemeanor, and the court, in addition to imposing the
2210 penalty therefor, shall adjudge forfeiture of his office.

2211 (2) In any county or municipality where it is readily
2212 apparent that local law enforcement authorities in cooperation
2213 with the agents and inspectors provided by the * * * department
2214 cannot control the illegal sale of alcoholic beverages, the * * *
2215 department shall request such assistance as it may deem necessary
2216 from the Mississippi Highway Safety Patrol; and it shall be the
2217 duty of the Governor of the State of Mississippi to see that the
2218 laws of the state are properly enforced by use of the additional
2219 authority as herein provided.

2220 (3) The officers, agents and representatives of the * * *
2221 Department of Revenue and the Alcoholic Beverage Control Division
2222 thereof are authorized and directed to strictly enforce the * * *
2223 provisions of this article and any other provisions of law
2224 regulating the proper sale, distribution and transportation of
2225 alcoholic beverages, and, in such counties that vote to institute
2226 prohibition, enforce such prohibition on the sale, distribution



2227 and transportation, except as provided herein, of alcoholic
2228 beverages within the boundaries of such counties. The State
2229 Highway Patrol, sheriffs, police departments, constables, and all
2230 peace officers, and prosecuting attorneys, the Attorney General's
2231 office, district attorneys, county attorneys, city attorneys, and
2232 all others charged with upholding the law, as well as the
2233 citizenry of this state, are hereby urged and directed to uphold
2234 the dignity of the law, to foster public respect therefor and to
2235 strictly enforce the laws against * * * alcoholic beverages in all
2236 cases while operating a motor vehicle on the streets and highways
2237 of this state, and to enforce the law and prosecute against the
2238 wrongful use of * * * alcoholic beverages in any county or
2239 municipality by a permit holder or licensee or anyone else under
2240 such circumstances and conditions as would lead to a breakdown in
2241 public law or is violative of the public sense of common decency,
2242 as well as to enforce the law against gambling, organized crime,
2243 or social vice and corruption.

2244 **SECTION 17.** Section 67-1-101, Mississippi Code of 1972, is
2245 amended as follows:

2246 67-1-101. (1) For the purposes of this section, the
2247 following words shall have the following meanings ascribed in this
2248 section, unless the context clearly otherwise requires:

2249 (a) "Municipality" means any incorporated city, town or
2250 village that has not voted in favor of * * * instituting



2251 prohibition or is in a county that has not voted in favor of * * *
2252 instituting prohibition.

2253 (b) "Leisure and recreation district" means an area
2254 officially designated by ordinance or resolution of the governing
2255 authorities of a municipality or county as a leisure and
2256 recreation district.

2257 (c) "County" means any county that has not voted in
2258 favor of * * * instituting prohibition.

2259 (2) (a) Subject to the provisions of this section, the
2260 governing authorities of a municipality, by ordinance, may
2261 establish one or more leisure and recreation districts within the
2262 corporate boundaries of the municipality and designate the
2263 geographic area or areas to be included within a district. The
2264 governing authorities of a municipality, by ordinance, may modify
2265 the boundaries of a leisure and recreation district. In addition,
2266 the boundaries of a leisure and recreation district may extend
2267 from within the municipality into the unincorporated area of the
2268 county in which the municipality is located if the county consents
2269 to the extension and has not voted in favor of * * * instituting
2270 prohibition.

2271 (b) Subject to the provisions of this section, the
2272 board of Supervisors of a county, by resolution, may establish one
2273 or more leisure and recreation districts within the county that
2274 are outside the corporate limits of any municipality in the county



2275 and designate the geographic area or areas to be included within
2276 the districts.

2277 (c) The designation or modification of the geographic
2278 area or areas as a leisure and recreation district shall include a
2279 detailed description of the area or areas within the district,
2280 boundaries of the district and a georeferenced map of the
2281 district. In addition to any other matters addressed in an
2282 ordinance or resolution establishing or modifying a leisure and
2283 recreation district, a municipality or county, as the case may be,
2284 must describe the manner in which the municipality or county, as
2285 the case may be, will provide for adequate law enforcement and
2286 other public safety measures and services within the district.
2287 Following the establishment and/or modification of a leisure and
2288 recreation district, the municipality or county, as the case may
2289 be, shall provide the Department of Revenue with (i) a copy of any
2290 ordinance or resolution relating to the establishment or
2291 modification of the district, (ii) verification from the municipal
2292 police department and/or applicable sheriff's department
2293 indicating how such department will provide adequate law
2294 enforcement and other public safety measures and services within
2295 the district, and (iii) a list of persons or other entities that
2296 hold permits issued under Section 67-1-51(c), (e), (f), (g), (l),
2297 (n) or (o) and are located and/or doing business under such
2298 permits in the district at the time the district is established.



2299 **SECTION 18.** Section 67-3-9, Mississippi Code of 1972, is
2300 amended as follows:

2301 67-3-9. Any city in this state, having a population of not
2302 less than two thousand five hundred (2,500) according to the
2303 latest federal decennial census; or any city in this state having
2304 a population of not less than one thousand five hundred (1,500)
2305 according to the latest federal decennial census and located
2306 within three (3) miles of a city or county that permits the sale,
2307 receipt, storage and transportation for the purpose of sale of
2308 beer, light spirit product or light wine; or any city or town in
2309 this state having a population of not less than one thousand
2310 (1,000) according to the latest federal decennial census and
2311 located in a county that has no city or town with a population of
2312 more than two thousand five hundred (2,500); or any city, town or
2313 village that is a county seat and has voted before January 1,
2314 2025, to come out from under the dry law, as such law existed
2315 before January 1, 2025, under Section 67-1-14; at an election held
2316 for the purpose, under the election laws applicable to such city,
2317 may either prohibit or permit, except as otherwise provided under
2318 Section 67-9-1, the sale and the receipt, storage and
2319 transportation for the purpose of sale of beer, light spirit
2320 product and light wine. An election to determine whether such
2321 sale shall be permitted in cities wherein its sale is prohibited
2322 by law shall be ordered by the city or town council or mayor and
2323 board of aldermen or other governing body of such city or town for



2324 such city or town only, upon the presentation of a petition for
2325 such city or town to such governing board containing the names of
2326 twenty percent (20%) or fifteen hundred (1,500), whichever number
2327 is the lesser, of the duly qualified voters of such city or town
2328 asking for such election. In like manner, an election to
2329 determine whether such sale shall be prohibited in cities wherein
2330 its sale is permitted by law shall be ordered by the city council
2331 or mayor and board of aldermen or other governing board of such
2332 city for such city only, upon the presentation of a petition to
2333 such governing board containing the names of twenty percent (20%)
2334 of the duly qualified voters of such city asking for such
2335 election. No election on either question shall be held by any one
2336 (1) city more often than once in five (5) years.

2337 Thirty (30) days' notice shall be given to the qualified
2338 electors of such city or town in the manner prescribed by law upon
2339 the question of either permitting or prohibiting such sale, and
2340 the notice shall contain a statement of the question to be voted
2341 on at the election. The tickets to be used in the election shall
2342 have the following words printed thereon: "For the legal sale of
2343 light wine of an alcoholic content of not more than five percent
2344 (5%) by weight, light spirit product of an alcoholic content of
2345 not more than six percent (6%) by weight, and beer of an alcoholic
2346 content of not more than eight percent (8%) by weight"; and the
2347 words "Against the legal sale of light wine of an alcoholic
2348 content of not more than five percent (5%) by weight, light spirit



2349 product of an alcoholic content of not more than six percent (6%)
2350 by weight, and beer of an alcoholic content of not more than eight
2351 percent (8%) by weight," next below. In making up his or her
2352 ticket the voter shall make a cross (X) opposite the words of his
2353 choice.

2354 If in the election a majority of the qualified electors
2355 voting in the election shall vote "For the legal sale of light
2356 wine of an alcoholic content of not more than five percent (5%) by
2357 weight, light spirit product of an alcoholic content of not more
2358 than six percent (6%) by weight, and beer of an alcoholic content
2359 of not more than eight percent (8%) by weight," then the city or
2360 town council or mayor and board of aldermen or other governing
2361 body shall pass the necessary order permitting the legal sale of
2362 such light wine, light spirit product and beer in such city or
2363 town. If in the election a majority of the qualified electors
2364 voting in the election shall vote "Against the legal sale of light
2365 wine of an alcoholic content of not more than five percent (5%) by
2366 weight, light spirit product of an alcoholic content of not more
2367 than six percent (6%) by weight, and beer of an alcoholic content
2368 of not more than eight percent (8%) by weight," then the city
2369 council or mayor and board of aldermen or other governing body
2370 shall pass the necessary order prohibiting the sale of such light
2371 wine, light spirit product and beer in such city.



2372 All laws or parts of laws in conflict with this section are
2373 hereby repealed to the extent of such conflict only, this section
2374 being cumulative and supplementary.

2375 **SECTION 19.** Section 67-9-1, Mississippi Code of 1972, is
2376 amended as follows:

2377 67-9-1. Notwithstanding the provisions of any section of
2378 Title 27 or 67, Mississippi Code of 1972, it shall be lawful for
2379 any person holding an alcohol processing permit to transport and
2380 possess alcoholic beverages, light wine, light spirit product and
2381 beer, in any part of the state, for his or her use in cooking,
2382 processing or manufacturing products which contain alcoholic
2383 beverages as an integral ingredient, in amounts as limited by the
2384 Alcoholic Beverage Control Division of the * * * Department of
2385 Revenue. The authority to transport and possess alcoholic
2386 beverages, light wine, light spirit product and beer under this
2387 section exists regardless of whether (a) the county or
2388 municipality in which the transportation or possession takes place
2389 has voted for * * * instituting prohibition, or (b) the
2390 transportation, storage, sale, distribution, receipt or
2391 manufacture of light wine, light spirit product and beer otherwise
2392 is prohibited.

2393 The provisions of this section shall not be construed as
2394 amending, repealing or otherwise affecting any statute or any
2395 lawfully adopted ordinance, rule or regulation that prohibits or
2396 restricts the location at which, or the premises upon which,



2397 alcoholic beverages, light wine, light spirit product or beer may
2398 be sold or consumed.

2399 **SECTION 20.** Section 27-71-15, Mississippi Code of 1972, is
2400 amended as follows:

2401 27-71-15. Except as otherwise provided in Section 67-9-1 for
2402 the transportation of limited amounts of alcoholic beverages for
2403 the use of an alcohol processing permittee, if transportation
2404 requires passage through a county which has * * * voted to
2405 institute prohibition, such transportation shall be by a sealed
2406 vehicle. Such seal shall remain unbroken until the vehicle shall
2407 reach the place of business operated by the permittee. The
2408 operator of any vehicle transporting alcoholic beverages shall
2409 have in his possession an invoice issued by the * * * department
2410 at the time of the wholesale sale covering the merchandise
2411 transported by the vehicle. The * * * department is authorized to
2412 issue regulations controlling the transportation of alcoholic
2413 beverages.

2414 When the restrictions imposed by this section and by the
2415 regulation of the * * * department have not been violated, the
2416 person transporting alcoholic beverages through a county wherein
2417 the sale of alcoholic beverages is prohibited shall not be guilty
2418 of unlawful possession and such merchandise shall be immune from
2419 seizure.

2420 **SECTION 21.** Section 27-71-31, Mississippi Code of 1972, is
2421 amended as follows:



2422 27-71-31. Nothing herein shall be construed to make * * *
2423 unlawful the sale, * * * distribution or transportation of
2424 alcoholic beverages in this state, except to the extent, in the
2425 manner and in the localities that same shall be made * * *
2426 unlawful by the institution of prohibition.

2427 **SECTION 22.** Section 97-31-47, Mississippi Code of 1972, is
2428 amended as follows:

2429 97-31-47. It shall be unlawful for any transportation
2430 company, or any agent, employee, or officer of such company, or
2431 any other person, or corporation to transport into or deliver in
2432 this state in any manner or by any means any spirituous, vinous,
2433 malt, or other intoxicating liquors or drinks, or for any such
2434 person, company, or corporation to transport any spirituous, malt,
2435 vinous, or intoxicating liquors or drinks from one place within
2436 this state to another place within the state, or from one (1)
2437 point within this state to any point without the state, except in
2438 cases where this chapter * * *, Title 27, Mississippi Code of
2439 1972, or Title 67, Mississippi Code of 1972, authorizes the
2440 transportation.

2441 **SECTION 23.** This act shall take effect and be in force from
2442 and after January 1, 2025.

